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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, )  
Plaintiff, )  
VS. )  
ERIC H. HOLDER, JR. in his )  
official capacity as Attorney )  
General of the United States, )  
Defendant, )  
ERIC KENNIE, et al, )  
Defendant-Intervenors, )  
TEXAS STATE CONFERENCE OF ) CASE NO. 1:12-CV-00128  
NAACP BRANCHES, ) (RMC-DST-RLW)  
Defendant-Intervenors, ) Three-Judge Court  
TEXAS LEAGUE OF YOUNG VOTERS )  
EDUCATION FUND, et al, )  
Defendant-Intervenors, )  
TEXAS LEGISLATIVE BLACK )  
CAUCUS, et al, )  
Defendant-Intervenors, )  
VICTORIA RODRIGUEZ, et al., )  
Defendant-Intervenors. )  
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ORAL DEPOSITION OF  
REPRESENTATIVE RAFAEL ANCHIA  
JUNE 6, 2012  
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ORAL DEPOSITION OF REPRESENTATIVE RAFAEL ANCHIA,  
produced as a witness at the instance of the Defendant,  
was duly sworn, was taken in the above-styled and  
numbered cause on the JUNE 6, 2012, from 1:48 a.m. to  
5:07 p.m., before Chris Carpenter, CSR, in and for the  
State of Texas, reported by machine shorthand, at the  
offices of The Texas Attorney's Office, 209 West 14th  
Street, 1st Floor Conference Room, Austin, TX 78701,  
pursuant to the Federal Rules of Civil Procedure and the  
provisions stated on the record or attached hereto.

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<p style="text-align: center;">5</p> <p>1 REPRESENTATIVE RAFAEL ANCHIA, 2 having been first duly sworn to testify the truth, the 3 whole truth, and nothing but the truth, testified as 4 follows: 5 EXAMINATION 6 BY MR. SWEETEN: 7 Q. Good afternoon. 8 A. Good afternoon. 9 Q. Would you please state your full name for the 10 record? 11 A. Rafael Michael Anchia. 12 Q. Okay. What's your date of birth? 13 A. 9-26-68. 14 Q. Okay. And where do you live? 15 A. I live in Dallas, Texas. 16 Q. Okay. What's your residence address? 17 A. 1418 Yakimo, that's Y-A-K-I-M-O, Drive, Dallas, 18 Texas, 75208. 19 Q. Okay. And I'm going to be asking you some 20 questions today. This is -- let me ask you, have you 21 take a -- have you been deposed before? 22 A. One time -- 23 Q. Okay. 24 A. -- when I was on the Dallas School Board. 25 Q. Okay. We can talk about that. But today, when</p>	<p style="text-align: center;">7</p> <p>1 Q. Can you just give me a general description of 2 the litigation involved? 3 A. There was a school desegregation case that had 4 been filed in the early '70s. And the Dallas school 5 board had petitioned the court in Judge Barefoot 6 Sanders' federal court. He had jurisdiction over this 7 particular desegregation case and we petitioned him to 8 get out from under the desegregation case. 9 Q. Okay. So you were a petitioner. On behalf of 10 the school board, you petitioned to -- yeah, was it a 11 federal court order? 12 A. Yes, I think that's right; it was a federal 13 court order, as far as I recall. 14 Q. Okay. So you were the petitioner asking the 15 court to lift the desegregation order that had been put 16 in place since what time period? 17 A. The '70s, I believe. 18 Q. Okay. What was the basis of that petition? 19 A. That the school district was desegregated, I 20 believe. And I don't recall all the facts. It was 21 about 10, 11 years ago, but to my recollection, that -- 22 the district had complied and the school district was 23 desegregated. 24 Q. Okay. So there wasn't a need from the view of 25 you or the Dallas school board to continue with the</p>
<p style="text-align: center;">6</p> <p>1 I'm asking you questions, if you don't understand 2 anything that I'm asking you, if you would just ask me 3 to rephrase it, I'd be happy to do that. Otherwise, 4 I'll assume you understood the question that was asked; 5 is that fair? 6 A. Yes. 7 Q. In addition, the court reporter is here to take 8 down everything and so he can't take down shakes of the 9 head, nods, uh-huhs, nuh-huhs, that sort of thing. And 10 so we just need a verbal response to any questions that 11 we pose. 12 A. Yes. 13 Q. We'll take a break if you need to. I typically 14 would like to take a break about every -- once every 15 hour or so. I don't currently have an estimate as to 16 how long we're going to be here today, but I certainly 17 hope we can avoid some of the lengthy depositions that 18 we've had over the last several weeks. So we'll -- 19 we'll do our best to make this as efficient and make it 20 go by as quickly as possible. 21 A. Thank you. 22 Q. Let's talk about your deposition. When -- you 23 gave it while you were a member of the Dallas school 24 board; is that right? 25 A. Yes.</p>	<p style="text-align: center;">8</p> <p>1 federal court order imposing orders related to 2 desegregation, correct? 3 A. That was the sense of the board. 4 Q. Things have changed since the 1970s? 5 A. That was the sense of the board. 6 Q. Okay. And you gave testimony in that case? 7 A. I did. 8 Q. Was that your sense as well? 9 A. That I gave testimony in that case, yes. 10 Q. Back up, no. That as to -- was it your sense 11 as well that the -- that the Dallas school district had 12 been desegregated at that point or had been -- 13 A. It was my sense that the order had been 14 complied with. 15 Q. Okay. Tell me, specifically, what had changed 16 between the time that that order had entered, had been 17 entered, and the time that you petitioned the federal 18 court to vacate that order. 19 A. My sense was that the district had complied 20 with the requirements of the -- of the court order. 21 Q. Okay. 22 A. So it was a compliance -- it was a compliance 23 question. 24 Q. And compliance, how did they comply? 25 A. There were a series of programs that had been</p>



<p style="text-align: center;">9</p> <p>1 instituted at the school district, and at the time,  2 there was only one majority school -- there was one  3 majority high school left and that was Seagoville High  4 School. We had a program called the M &amp; M Program,  5 minority-to-majority schools to comply with that court  6 order; we instituted the program and it had been working  7 well. And even the monitor that was reviewing the  8 district's progress had made the point that compliance  9 had -- compliance was occurring with the court order.  10 Q. Okay. In working on that litigation, did you  11 have some familiarity with the conditions that existed  12 at the time that the federal court order had been  13 entered?  14 A. I did read quite a bit of history.  15 Q. Okay. Can you give us a sense of what the  16 precursor events that led to the entry of that order?  17 A. There were two different -- essentially, there  18 were two different school districts. There was a school  19 district for an Anglo majority and there was a separate  20 system for either African-Americans or Hispanics.  21 Q. I want to ask you, who first contacted you  22 about this lawsuit?  23 A. I don't recall.  24 Q. Okay.  25 A. Who first contacted me about it? I don't know.</p>	<p style="text-align: center;">11</p> <p>1 two weeks.  2 Q. Okay. Had you had any contact with the  3 Department of Justice prior to that time?  4 A. No.  5 Q. Do you know who else, was it a man or woman you  6 talked to at the Department of Justice?  7 A. I don't recall.  8 Q. Who was a party to the conversation?  9 A. Members of the Department of Justice and  10 myself.  11 Q. Okay. Tell me what was discussed during the  12 conversation.  13 A. My recollection of the photo ID bills that had  14 been filed from my first session to the present day, and  15 the processes surrounding those photo ID, the  16 legislative processes surrounding the photo ID  17 legislation.  18 Q. Okay. And so went through sort of the history  19 of the photo ID bills within the -- and your involvement  20 with them in the House?  21 A. Yeah. Among other things, right.  22 Q. Okay. What are the other things?  23 A. We referenced -- or I referenced studies that I  24 had read, research that I had done. I talked about  25 committee reports, testimony that I had heard. I had</p>
<p style="text-align: center;">10</p> <p>1 Q. When did you first talk with attorneys at the  2 Department of Justice regarding this case?  3 A. Maybe a month and a half ago, two months ago.  4 Q. Okay. Who did you talk to at the Department of  5 Justice?  6 A. The names escape me. I think we spoke at the  7 -- and I forgot your name, I'm sorry.  8 Q. You're pointing to Jennifer Maranzano; is that  9 right?  10 A. Jennifer Maranzano. I believe Jennifer  11 Maranzano and I spoke on the phone. There was another  12 lawyer but I'm unaware -- I don't recall that person's  13 name.  14 Q. Okay. Do you have a more specific date as to  15 when you were contacted?  16 A. I don't.  17 Q. You filed an affidavit in this case. Do you  18 remember signing an affidavit?  19 A. I do.  20 Q. Okay. Do you think that you were contacted or  21 you had contact with the Department of Justice at or  22 near the time that the affidavit was signed?  23 A. Prior to is my recollection.  24 Q. Okay. How long prior to?  25 A. I don't recall exactly. But possibly a week to</p>	<p style="text-align: center;">12</p> <p>1 been on the Elections Committee for three terms, prior  2 to the 2011 session, which talked about those  3 experiences as well.  4 Q. How long did the meeting last?  5 A. It wasn't a meeting, it was a phone conference.  6 Q. How long did the phone conference last?  7 A. Less than an hour.  8 Q. Have you -- have you had follow-up  9 conversations with the Department of Justice?  10 A. There have been two phone conferences, but I  11 have not spoken to the Department -- any representative  12 of the Department of Justice until I saw Ms. Maranzano  13 today, outside this building.  14 Q. Okay. So you saw her today and you had --  15 you've described two conferences --  16 A. Uh-huh.  17 Q. -- teleconferences.  18 A. Phone conferences.  19 Q. Okay. And so you've described for me the first  20 one. Tell me about the second teleconference. When did  21 it happen?  22 A. In close proximity to the first one, maybe a  23 week to ten days out. So I had the first conference,  24 and the second one related to the affidavit --  25 Q. Okay.</p>



<p style="text-align: center;">13</p> <p>1 A. -- just to follow up on whether or not the</p> <p>2 contents of the affidavit were reflective of our prior</p> <p>3 conversation.</p> <p>4 Q. Who drafted the affidavit?</p> <p>5 A. I don't know.</p> <p>6 Q. You didn't draft the affidavit?</p> <p>7 A. No.</p> <p>8 Q. Okay. The affidavit was drafted for you by</p> <p>9 somebody at the Department of Justice?</p> <p>10 A. Yes.</p> <p>11 Q. Were you sent drafts of the affidavit?</p> <p>12 A. Yes.</p> <p>13 Q. Do you have drafts of the affidavit?</p> <p>14 A. No.</p> <p>15 Q. Okay. Did you make changes on the affidavit?</p> <p>16 A. I don't recall, but I think -- I don't recall</p> <p>17 exactly but I think there were some minor changes to the</p> <p>18 affidavit.</p> <p>19 Q. When you were contacted, were you -- did you</p> <p>20 talk about the allegations made in this case by the</p> <p>21 Department of Justice by the intervenors, by the Texas</p> <p>22 Attorney General's Office?</p> <p>23 A. No. It was mainly to recount my recollection</p> <p>24 of the legislative process and the bills that had been</p> <p>25 filed.</p>	<p style="text-align: center;">15</p> <p>1 MR. GARZA: Yes.</p> <p>2 Q. And who is your counsel?</p> <p>3 MR. GARZA: Jose Garza.</p> <p>4 Q. (By Mr. Sweeten) Okay. And when did you first</p> <p>5 contact Mr. Garza regarding his representation of you</p> <p>6 for this deposition?</p> <p>7 A. I don't recall.</p> <p>8 Q. Okay. Would it have been sometime this year,</p> <p>9 last year?</p> <p>10 A. No, this year.</p> <p>11 Q. Okay. Would it have been within the last two</p> <p>12 months?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Who is paying for your legal services?</p> <p>15 A. I'm not sure. Nobody, as far as I can tell.</p> <p>16 Q. Okay. Are you -- have you had discussions with</p> <p>17 other attorneys who represent intervenors in this</p> <p>18 litigation?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Tell me who you've talked to?</p> <p>21 A. Nina Perales.</p> <p>22 Q. Okay. Anyone else?</p> <p>23 A. Luis Figueroa.</p> <p>24 MR. GARZA: Okay. He's not a lawyer.</p> <p>25 THE WITNESS: Oh, he's not? I didn't know</p>
<p style="text-align: center;">14</p> <p>1 Q. The second one you've indicated that the</p> <p>2 substance of the conversation related to the affidavit</p> <p>3 that you were executing, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Anything else discussed in that conversation?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Were you told that you were going to testify at</p> <p>8 trial or that they would call you to testify at trial in</p> <p>9 this case?</p> <p>10 A. No.</p> <p>11 Q. Have you had discussions with the Department of</p> <p>12 Justice about whether or not you were going to testify</p> <p>13 in case?</p> <p>14 A. No.</p> <p>15 Q. Do you have plans to be in Washington, D.C., in</p> <p>16 July?</p> <p>17 A. I am holding dates open in case I am called to</p> <p>18 testify in July.</p> <p>19 Q. It's my understanding you are not asserting the</p> <p>20 legislative privilege in this litigation; is that</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Let me back up before we get into</p> <p>24 that. And I want to ask you, you're represented today</p> <p>25 by counsel; is that right?</p>	<p style="text-align: center;">16</p> <p>1 that.</p> <p>2 Q. (By Mr. Sweeten) All right. So let's talk</p> <p>3 about your discussions with Ms. Perales. Can you tell</p> <p>4 me the dates that those occurred?</p> <p>5 A. Today.</p> <p>6 Q. Okay. Have you talked with her before today?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. Well, yes, I have talked to her before today.</p> <p>10 Q. Tell me about Mr. Figueroa. Well, let me back</p> <p>11 up then. When did you talk to Ms. Perales -- let me ask</p> <p>12 you this: Did you talk to about her this litigation?</p> <p>13 A. No.</p> <p>14 Q. Okay. You know her from other occasions or?</p> <p>15 A. Yes, from having testified before the Elections</p> <p>16 Committee, from having worked on redistricting, --</p> <p>17 Q. Okay.</p> <p>18 A. -- a number -- a number of other initiatives.</p> <p>19 Q. Let me ask you: Did you -- did you talk to her</p> <p>20 about voter ID any time prior to today?</p> <p>21 A. Yes.</p> <p>22 Q. And about this litigation?</p> <p>23 A. No.</p> <p>24 Q. Okay. You talked to her during sessions?</p> <p>25 A. During sessions, correct.</p>



<p style="text-align: center;">17</p> <p>1 Q. Mr. Figueroa --</p> <p>2 A. Yes.</p> <p>3 Q. -- can you tell me who that is?</p> <p>4 A. Mr. Figueroa works at MALDEF and he frequently</p> <p>5 testifies before the committee, the Elections Committee</p> <p>6 or other committees when there are issues of interest to</p> <p>7 MALDEF.</p> <p>8 Q. When did you speak with Mr. Figueroa?</p> <p>9 A. Today.</p> <p>10 Q. Okay. Have you spoken with him before today</p> <p>11 about this litigation?</p> <p>12 A. No.</p> <p>13 Q. Have you spoken with him before today about</p> <p>14 voter ID?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Would that have been during the</p> <p>17 sessions?</p> <p>18 A. Yes.</p> <p>19 Q. Have you been a party to a lawsuit before?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Can you tell me what did that involve; a</p> <p>22 civil matter?</p> <p>23 A. The ISD redistricting litigation.</p> <p>24 Q. Okay. Is that the same that we've discussed</p> <p>25 already?</p>	<p style="text-align: center;">19</p> <p>1 Q. You didn't testify, your deposition wasn't</p> <p>2 taken?</p> <p>3 A. Correct.</p> <p>4 Q. Let's talk about your deposition</p> <p>5 preparation. Can you tell me, what did you do to</p> <p>6 prepare for this deposition today?</p> <p>7 A. I went through and I tried to read portions of</p> <p>8 the House Journal to refresh my memory. I looked at</p> <p>9 maybe some old e-mails.</p> <p>10 Q. Okay.</p> <p>11 A. And I tried to just think about the history of</p> <p>12 the photo ID legislation.</p> <p>13 Q. Okay.</p> <p>14 A. Just to recount it.</p> <p>15 Q. Did you meet with your attorneys?</p> <p>16 A. Yes.</p> <p>17 Q. How long did you meet with them?</p> <p>18 A. About an hour.</p> <p>19 Q. When?</p> <p>20 A. Monday -- Monday, this past Monday.</p> <p>21 Q. Past Monday. Did you read any depositions</p> <p>22 taken in this case?</p> <p>23 A. No.</p> <p>24 Q. Did you -- when you met with your counsel, did</p> <p>25 you meet with anybody else outside of your counsel?</p>
<p style="text-align: center;">18</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Any other lawsuits that you've been a</p> <p>3 party to?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 A. I was a defendant in a number of other matters</p> <p>7 in my capacity as a school board trustee.</p> <p>8 Q. Okay. Can you give me a general sense of the</p> <p>9 litigation?</p> <p>10 A. Any time the school district was sued, I was</p> <p>11 named as defendant in my capacity as trustee so it was</p> <p>12 across the board.</p> <p>13 Q. Okay.</p> <p>14 A. We had all kinds of different litigation.</p> <p>15 Q. Have you testified at trial?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Can you tell me about that?</p> <p>18 A. I testified at trial in the redistricting</p> <p>19 litigation.</p> <p>20 Q. Okay. Any other time?</p> <p>21 A. I mean, not -- excuse me, in the desegregation</p> <p>22 litigation.</p> <p>23 Q. Okay. You had -- you had no involvement in</p> <p>24 redistricting litigation; is that accurate?</p> <p>25 A. Correct.</p>	<p style="text-align: center;">20</p> <p>1 A. No.</p> <p>2 Q. Just the two of you?</p> <p>3 A. Well, the general counsel of our office sat in</p> <p>4 the meeting, that's Tricia Horatio. Tricia is sitting</p> <p>5 at end of the table.</p> <p>6 Q. Okay. And can you identify who she is and?</p> <p>7 A. She's the general counsel/legislative director</p> <p>8 for our office, for our state office.</p> <p>9 Q. For your state office?</p> <p>10 A. Correct.</p> <p>11 Q. Anybody else attend?</p> <p>12 A. No.</p> <p>13 Q. So tell me about your job. You're a lawyer?</p> <p>14 A. Oh, let me back up. Marty Golando was in</p> <p>15 attendance. So the three people on this side of the</p> <p>16 table: Jose Garza, Martin Golando, and Tricia Horatio.</p> <p>17 Q. Okay, very good. You're a lawyer?</p> <p>18 A. I am.</p> <p>19 Q. You work for Haynes and Boone?</p> <p>20 A. Haynes and Boone, LLP.</p> <p>21 Q. Okay. What you do you do?</p> <p>22 A. I am a -- I'm a corporate finance lawyer.</p> <p>23 Q. You work out of Dallas?</p> <p>24 A. I'm in the Dallas office.</p> <p>25 Q. How long have you held that position?</p>





<p style="text-align: center;">21</p> <p>1 A. Since November of 2006.</p> <p>2 Q. Have you ever taken a deposition?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 MR. SWEETEN: Actually, I'm going to back</p> <p>6 up. I'm going ask the court reporter to mark this.</p> <p>7 (Exhibit 1 marked for identification.)</p> <p>8 Q. (By Mr. Sweeten) Okay. I handed you a document</p> <p>9 which we've marked as -- and, by the way, your</p> <p>10 pronunciation of your name Anchia?</p> <p>11 A. Anchia, accent on the I.</p> <p>12 Q. Okay. Anchia.</p> <p>13 I've handed you what we've marked as</p> <p>14 Anchia 1. And I want you to turn, if you would, first,</p> <p>15 just if you'd look at title of it which is "Defendant</p> <p>16 United States First Supplemental Rule 26</p> <p>17 Disclosures." And there you're listed. And it says,</p> <p>18 "Representative Rafael Anchia, care of Ezra Rosenberg at</p> <p>19 Dechert LLP."</p> <p>20 First, Ezra Rosenberg, who is -- who is</p> <p>21 he?</p> <p>22 A. I believe he's a lawyer at Dechert LLP.</p> <p>23 Q. Does Mr. Rosenberg represent you in this</p> <p>24 matter?</p> <p>25 A. I'm not aware that he does.</p>	<p style="text-align: center;">23</p> <p>1 A. That is correct.</p> <p>2 Q. Okay. You understand that there are a number</p> <p>3 of members of the House and Senate who are asserting the</p> <p>4 legislative privilege. Are you aware of that?</p> <p>5 A. I don't know that.</p> <p>6 Q. Okay. Well, there are. And the -- when I'm</p> <p>7 asking you questions today, the legislative privilege,</p> <p>8 it provides a protection for discussions that you've had</p> <p>9 with representatives who have asserted that privilege.</p> <p>10 And so when I'm asking you questions, I'm not asking you</p> <p>11 to disclose discussions that you've had with them, with</p> <p>12 members of their legislative staffs, okay? Do you</p> <p>13 understand that?</p> <p>14 A. I believe I do. So if I -- then just to</p> <p>15 clarify: If I've had a conversation with a member on</p> <p>16 the House floor related to this legislation in my</p> <p>17 official capacity, front mic/back mic, for example,</p> <p>18 that, I imagine, is not subject to legislative</p> <p>19 privilege, correct?</p> <p>20 Q. That's right. That's another prong of it,</p> <p>21 which is a public statement on the front or back mic,</p> <p>22 public speeches, those are not part the privilege. But</p> <p>23 --</p> <p>24 A. And let me ask --</p> <p>25 Q. Go ahead.</p>
<p style="text-align: center;">22</p> <p>1 Q. Okay. Let's read the description</p> <p>2 below. "Representative Anchia will likely have</p> <p>3 discoverable information regarding history, development,</p> <p>4 enactment, and plans for implementation of Senate Bill</p> <p>5 14." And then it references your declaration.</p> <p>6 Now, the Department of Justice filed this,</p> <p>7 so -- and if you look at the back, the date of filing is</p> <p>8 April 13, 2012. Is it a fair statement that at the time</p> <p>9 that this was filed, you had one conversation with the</p> <p>10 Department of Justice?</p> <p>11 A. Not sure of the exact date, but I think it is a</p> <p>12 fair assumption to suggest that I would, yes.</p> <p>13 Q. Okay. And that was that hour-long discussion</p> <p>14 you had on the telephone with the Department of Justice?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And then it says, "See Declaration."</p> <p>17 Had you executed the declaration at that time; do you</p> <p>18 know?</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay. You can put that aside. I'm finished</p> <p>21 with it.</p> <p>22 All right. I want to talk to you about</p> <p>23 legislative privilege. You are not asserting the</p> <p>24 legislative privilege for this deposition today; is that</p> <p>25 correct?</p>	<p style="text-align: center;">24</p> <p>1 A. I'm sorry. And then, just -- I just want to</p> <p>2 clarify the parameters. So if I had had -- if I had a</p> <p>3 conversation with a member off to the side on the House</p> <p>4 floor and they had mentioned something to me, the</p> <p>5 legislative privilege does attach to that conversation?</p> <p>6 Q. And -- and when I'm asking you questions --</p> <p>7 first, yes.</p> <p>8 A. Okay.</p> <p>9 Q. And two, when I asking you questions today, I'm</p> <p>10 not asking you for those privileged types of</p> <p>11 communications.</p> <p>12 A. Okay.</p> <p>13 Q. So if I'm asking you about, for example,</p> <p>14 Representative Harless has asserted the privilege. I'm</p> <p>15 not asking for communications that you've had with her</p> <p>16 that were not on the front or back mic or in a public</p> <p>17 committee setting.</p> <p>18 A. Okay.</p> <p>19 MR. GARZA: Will you identify the</p> <p>20 representative that has not waived their privilege so</p> <p>21 that he -- I mean, if you ask a general question about</p> <p>22 "have you had any conversations with any</p> <p>23 representative," then Representative Anchia has waived</p> <p>24 the privilege. He's going to answer your questions.</p> <p>25 He's going to talk about those. So unless you identify</p>



<p style="text-align: center;">25</p> <p>1 that you do not want him, in response to that question</p> <p>2 about a particular legislator, he's not going to know</p> <p>3 which ones to avoid.</p> <p>4 MR. SWEETEN: Well, let's do two things:</p> <p>5 One, I've got a list in front of me of those who have</p> <p>6 affirmatively waived the privilege. So I'm going to</p> <p>7 give that to you. And I'm going to have him mark that</p> <p>8 as Anchia Exhibit 2.</p> <p>9 (Exhibit 2 marked for identification.)</p> <p>10 MR. GARZA: And this is a list of people</p> <p>11 who have waived privilege?</p> <p>12 MR. SWEETEN: These are the individuals</p> <p>13 who affirmatively waived the privilege.</p> <p>14 Q. (By Mr. Sweeten) So I want to familiarize</p> <p>15 yourself with that list.</p> <p>16 A. Okay. I've read the list.</p> <p>17 Q. Okay. So when I'm asking you questions today</p> <p>18 that would implicate discussions you've had with</p> <p>19 legislators, if you would confine your answers that are</p> <p>20 subject to the legislative privilege to these</p> <p>21 individuals listed on Anchia Exhibit 2, then we'll have</p> <p>22 an understanding that you're not going to provide</p> <p>23 information that would be subject to the legislative</p> <p>24 privilege; is that fair?</p> <p>25 A. I understand.</p>	<p style="text-align: center;">27</p> <p>1 a conversation. For example, if Member X had shown me a</p> <p>2 message that he or she was receiving on an iPhone</p> <p>3 related to -- related to the House debate, that was --</p> <p>4 that was directing answers and it was part of a</p> <p>5 conversation, is that --</p> <p>6 Q. I think --</p> <p>7 A. Is that covered by the privilege?</p> <p>8 Q. That's a good question and it will be a case-</p> <p>9 by-case basis. But I think it will depend upon who</p> <p>10 showed --</p> <p>11 A. If it was someone who had asserted -- who is</p> <p>12 not on this list?</p> <p>13 Q. Right. And -- and so, well, I'm going to --</p> <p>14 I'm going to ask you about that and we'll talk about</p> <p>15 that conversation or what you're referring to --</p> <p>16 A. Okay.</p> <p>17 Q. -- for the most part. If you're talking about</p> <p>18 the conversations you've had with legislative staff,</p> <p>19 with legislators that are not a matter of public record,</p> <p>20 that -- and those are subject to the privilege, and</p> <p>21 those would not be -- you know, I'm not going to be</p> <p>22 asking about that and that's -- that's subject to the</p> <p>23 privilege.</p> <p>24 A. Okay.</p> <p>25 Q. Okay.</p>
<p style="text-align: center;">26</p> <p>1 MR. GARZA: By the way, we -- just for the</p> <p>2 record, we disagree with the State's interpretation</p> <p>3 of how far legislative privilege extends. Once</p> <p>4 Representative Anchia has waived it, we don't believe</p> <p>5 that the restriction that the State has placed on it</p> <p>6 applies. Nevertheless, he's indicated that his question</p> <p>7 does not pertain to other legislators other than the</p> <p>8 ones on this list. So if there are other discussions</p> <p>9 that whether or not legislative privilege applies to</p> <p>10 them, he's not asking about that.</p> <p>11 MR. SWEETEN: Okay. As I understand,</p> <p>12 Counsel, I think what you're saying is you don't agree</p> <p>13 with what we assert as the scope of the privilege, but I</p> <p>14 think you're also saying that it's of no moment.</p> <p>15 MR. GARZA: It's of no moment because your</p> <p>16 question is restricted in itself.</p> <p>17 MR. SWEETEN: That's right.</p> <p>18 Q. (By Mr. Sweeten) Now, I want to give another</p> <p>19 wrinkle to you. Because I can ask and I will want you</p> <p>20 to identify whether a conversation occurred. The time</p> <p>21 and place, I may ask you that. So I don't want the</p> <p>22 substance of the communication. What I'd be asking</p> <p>23 about is about whether such a communication occurred,</p> <p>24 perhaps who was involved in it and how long, okay?</p> <p>25 A. May I ask about nonverbal communications during</p>	<p style="text-align: center;">28</p> <p>1 MR. GARZA: Also, just to be clear, if</p> <p>2 there are other representatives who have waived the</p> <p>3 privilege but are not on this list, Patrick, you're not</p> <p>4 asking about those either? As long as they're not on</p> <p>5 this list, you're not asking about those conversations;</p> <p>6 is that correct?</p> <p>7 MR. SWEETEN: Well, and I don't want to</p> <p>8 say I'm not asking about those conversations because I</p> <p>9 may be asking whether a conversation occurred. I'm not</p> <p>10 going to ask the substance.</p> <p>11 MR. GARZA: No, I understand about the</p> <p>12 substance.</p> <p>13 MR. SWEETEN: I'm not going to ask the</p> <p>14 substance of those.</p> <p>15 Now if you're aware of an affirmative</p> <p>16 waiver of a legislative privilege that is not contained</p> <p>17 on this list, you have personal knowledge of that and</p> <p>18 can represent that that person has so waived, then we</p> <p>19 can take that up and I think we would include that.</p> <p>20 Are you making that representation that</p> <p>21 are additional?</p> <p>22 MR. GARZA: I don't know. I haven't</p> <p>23 reviewed this list.</p> <p>24 Q. (By Mr. Sweeten) Okay. I'm going to hand you</p> <p>25 what we'll mark as Anchia 3.</p>



<p style="text-align: center;">29</p> <p>1 (Exhibit 3 marked for identification.)</p> <p>2 Q. (By Mr. Sweeten) Okay. Can you generally</p> <p>3 identify what this exhibit is, Exhibit 3?</p> <p>4 A. This appears to be the Declaration of Rafael</p> <p>5 Anchia.</p> <p>6 Q. Okay. And let's turn to the back page. Is</p> <p>7 this your signature on the -- Page 4, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And it's signed 4-9-12. So April 9th of</p> <p>10 this year. Was this the date that you exchanged the</p> <p>11 draft and then ultimately the final product that was the</p> <p>12 -- your declaration?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Were you told by the Department of</p> <p>15 Justice that this document would be used in a legal</p> <p>16 proceeding?</p> <p>17 A. I don't recall.</p> <p>18 Q. Was it your understanding that it would be?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 MR. SWEETEN: And we'll have this marked</p> <p>22 as Anchia 4.</p> <p>23 (Exhibit 4 marked for identification.)</p> <p>24 Q. (By Mr. Sweeten) And I will represent to you</p> <p>25 that this is a Minute Order from the United States</p>	<p style="text-align: center;">31</p> <p>1 Q. Okay. You don't know one way or the other</p> <p>2 whether you were contacted prior to the entry of this</p> <p>3 minute order?</p> <p>4 A. I do not.</p> <p>5 Q. Were you contacted during -- at any time during</p> <p>6 the preclearance portion of this case, which would have</p> <p>7 ended with the preclearance denial on March 12, 2012?</p> <p>8 A. I don't recall. Well, I don't recall that I</p> <p>9 was.</p> <p>10 Q. Okay. Have you had any written correspondence</p> <p>11 with the Department of Justice, at any time, prior to</p> <p>12 exchanging this declaration that we've talked about as</p> <p>13 Anchia 3?</p> <p>14 A. I had a initial conference call that I referred</p> <p>15 to earlier. So, yes. So the answer is yes.</p> <p>16 Q. I've asked written communications?</p> <p>17 A. Oh, written?</p> <p>18 Q. Yeah.</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Can you tell me when did you have</p> <p>21 written communication with the Department of Justice?</p> <p>22 A. It would have been draft -- a draft of this --</p> <p>23 of this declaration prior to the 9th of April.</p> <p>24 Q. During the preclearance process, before March</p> <p>25 12, 2012, did you have any discussions with anybody at</p>
<p style="text-align: center;">30</p> <p>1 District Court, District of Columbia.</p> <p>2 A. Can I ask you a question about that?</p> <p>3 Q. Sure.</p> <p>4 A. What is a minute order?</p> <p>5 Q. It's an order from the Court.</p> <p>6 A. Okay.</p> <p>7 Q. Okay. I'm going to ask you to just read the</p> <p>8 minute order to yourself and then I'm going to ask you</p> <p>9 questions about it.</p> <p>10 A. Okay.</p> <p>11 Q. Okay. So the date of this minute order, if</p> <p>12 you'll look at the top, it's an e-mail. It's April 3,</p> <p>13 2012. Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Had you had any conversations with the</p> <p>16 Department of Justice prior to this minute order</p> <p>17 issuing?</p> <p>18 A. I don't recall the exact date of the -- of our</p> <p>19 discussions, so it would be impossible for me to say</p> <p>20 whether it was before or after.</p> <p>21 Q. When you were contacted by the Department of</p> <p>22 Justice, were you told that they had a impending</p> <p>23 deadline to file information as set forth in this minute</p> <p>24 order?</p> <p>25 A. I don't recall.</p>	<p style="text-align: center;">32</p> <p>1 the Department of Justice about Senate Bill 14?</p> <p>2 A. Not that I'm aware of. Not -- not that I</p> <p>3 recall.</p> <p>4 Q. Did you have any discussions, of any kind,</p> <p>5 about the matters -- about the preclearance process?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. With the Department of Justice?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 A. Not that I recall.</p> <p>11 Q. So your first contact with the Department of</p> <p>12 Justice would have been after the March 12, 2012</p> <p>13 preclearance denial date; is that right?</p> <p>14 A. As far as I can recall, yes.</p> <p>15 Q. You can put that aside. Thank you.</p> <p>16 All right. Let's look at your</p> <p>17 declaration. Let me ask you: Do you know if this was</p> <p>18 filed with the District Court in Washington, D.C.?</p> <p>19 A. What is this?</p> <p>20 Q. This is Deposition Exhibit Number 3, the</p> <p>21 declaration.</p> <p>22 A. Anchia 3?</p> <p>23 Q. Yes. Were you aware this was filed with the --</p> <p>24 with the D.C. Circuit Court?</p> <p>25 A. Yes.</p>





<p style="text-align: center;">33</p> <p>1 Q. All right. Let's look at the first paragraph.</p> <p>2 All right. The first sentence says, "My name is Rafael</p> <p>3 Anchia. I am a resident of Dallas, Texas, registered to</p> <p>4 vote in Dallas County. I am Hispanic."</p> <p>5 Who wrote that first sentence?</p> <p>6 A. I think I did.</p> <p>7 Q. Okay.</p> <p>8 A. At least, I furnished the information that</p> <p>9 comprised that first sentence.</p> <p>10 Q. Okay.</p> <p>11 A. So wrote -- if you're asking did I type this</p> <p>12 in, is that the question you're asking? I just want</p> <p>13 some -- when you -- when you say "wrote," since this is</p> <p>14 a typed document -- and I'm not trying to be -- I'm just</p> <p>15 trying to answer the question that's asked.</p> <p>16 Q. That's fair. Go ahead.</p> <p>17 A. So I furnished this information. I did not</p> <p>18 type this information.</p> <p>19 Q. Okay. Did you write -- did you -- did you give</p> <p>20 them a draft of your declaration or was that given to</p> <p>21 you?</p> <p>22 A. I received the first draft after we had spoken</p> <p>23 during that -- that first conference call that we had --</p> <p>24 that I referenced earlier.</p> <p>25 Q. So the first written product that became your</p>	<p style="text-align: center;">35</p> <p>1 Q. So I guess -- I guess that's another question:</p> <p>2 Were you sent the e-mail on a State account or was this</p> <p>3 on your private e-mail account or was it a work e-mail</p> <p>4 account?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you recall any e-mail communications you've</p> <p>7 had with the Department of Justice and which account</p> <p>8 that would have been on?</p> <p>9 A. I don't recall the exact account but it would</p> <p>10 relate to the draft.</p> <p>11 Q. Did you send a red-line draft back with</p> <p>12 changes?</p> <p>13 A. I don't believe so, no.</p> <p>14 Q. Did you sign the first draft given to you?</p> <p>15 A. No.</p> <p>16 Q. Okay. Did you call them and tell them what you</p> <p>17 wanted changed?</p> <p>18 A. I believe that's right, yes. We did have a</p> <p>19 phone conversation. We --</p> <p>20 Q. What did you ask -- go ahead.</p> <p>21 A. Yes.</p> <p>22 Q. You can finish. I'm sorry. I don't want to</p> <p>23 trip on your answer.</p> <p>24 A. No. We had a phone conversation related to the</p> <p>25 draft.</p>
<p style="text-align: center;">34</p> <p>1 declaration was sent to you by the Department of</p> <p>2 Justice?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And how long was the first draft that</p> <p>5 they sent you?</p> <p>6 A. It was roughly -- roughly, these three-plus</p> <p>7 pages.</p> <p>8 Q. Okay. This declaration has 18 paragraphs. Do</p> <p>9 you remember how many paragraphs the first draft had?</p> <p>10 A. I do not.</p> <p>11 Q. Okay. Do you have a copy of the first draft</p> <p>12 that the Department of Justice sent you?</p> <p>13 A. I do not.</p> <p>14 Q. Okay. What did you do with that?</p> <p>15 A. Probably recycled it.</p> <p>16 Q. Was that sent to you on e-mail?</p> <p>17 A. Yes.</p> <p>18 Q. And do you save your e-mails?</p> <p>19 A. Sometimes.</p> <p>20 Q. Okay. What's your retention policy regarding</p> <p>21 e-mails such as this?</p> <p>22 A. It depends. In the -- at the State office, our</p> <p>23 retention policy -- I asked that our retention policy be</p> <p>24 consistent with whatever Leg Council or the Governor's</p> <p>25 Office has as a retention policy.</p>	<p style="text-align: center;">36</p> <p>1 Q. What did you ask to have changed?</p> <p>2 A. I don't recall, to be honest.</p> <p>3 Q. Let's look at the second paragraph. "I'm</p> <p>4 currently a member of the Texas House of</p> <p>5 Representatives, representing District 103 in western</p> <p>6 Dallas County. District 103 is a majority Hispanic</p> <p>7 district in which Hispanic voters are able to control</p> <p>8 the outcome of the election." Is that what you wrote?</p> <p>9 A. That is what I said.</p> <p>10 Q. And what does that mean, that last sentence.</p> <p>11 It's "a majority Hispanic district in which Hispanic</p> <p>12 voters are able to control the outcome of the election,"</p> <p>13 what does that mean?</p> <p>14 A. That based on the voter turnout in the</p> <p>15 district, if Hispanic registered voters were to turn out</p> <p>16 in large numbers, they could elect the person of their</p> <p>17 choice.</p> <p>18 Q. Okay. What is the racial makeup of District</p> <p>19 103?</p> <p>20 A. The prior District 103, so that the 103 that I</p> <p>21 have run in previously, pre-redistricting, is about</p> <p>22 70-plus percent Hispanic.</p> <p>23 Q. Okay. Can you give me the general parameters</p> <p>24 of your district, geographically?</p> <p>25 A. Goes from North Oak Cliff, essentially,</p>

<p style="text-align: center;">37</p> <p>1 Methodist Hospital is in Dallas, all the way up to old 2 downtown Carrollton. And, again, this is the 3 pre-redistricting, the pre-redistricting parameter. And 4 on the east side, it goes -- the eastern most edge is 5 the intersection of Inwood and Lovers -- Inwood and 6 Mockingbird. And the western most edge is Loop 12 at, 7 what used to be, Texas Stadium.</p> <p>8 Q. Okay. What are the other racial groups that 9 make up your district?</p> <p>10 A. It's about 70 to 74 percent Hispanic, somewhere 11 in there, and about 10 percent African-American -- and 12 these are round numbers. And I'd say about 4 percent 13 Asian, maybe 3 to 4 percent Asian, and then the 14 remainder is Anglo.</p> <p>15 Q. Let's go to Paragraph 3. "I was first selected 16 to represent District 103 in November 2004 and I've 17 continued to represent the district since that date."</p> <p>18 Is that your first election of any kind 19 outside of the school board?</p> <p>20 A. Yes.</p> <p>21 Q. Have you served as House member since 2004?</p> <p>22 A. Yes.</p> <p>23 Q. "I have been a member of the Mexican American 24 Legislative Caucus during every session in which I have 25 served. I also served on the House Elections Committee</p>	<p style="text-align: center;">39</p> <p>1 say, "The House Elections Committee considered bills to 2 require voters to show photo identification in the 79th 3 Legislature, House Bill 1706; 80th Legislature, House 4 Bill 218; and the 81st Legislature, Senate Bill 5 362." Let's start with that paragraph. Did you support 6 any of that legislation?</p> <p>7 A. No.</p> <p>8 Q. Okay. You were opposed to House Bill 1706?</p> <p>9 A. Yes.</p> <p>10 Q. House Bill 218?</p> <p>11 A. Yes.</p> <p>12 Q. And Senate Bill 362?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. You've opposed any legislative bills 15 related to the photo identification at polls -- poll 16 places, correct?</p> <p>17 A. Bills, yes. I've supported amendments that 18 would have created a photo identification requirement, 19 but they were unsuccessful.</p> <p>20 Q. Okay. Now, the next sentence says, "Each photo 21 identification bill introduced in the prior legislative 22 sessions allowed for more forms of identification than 23 does Senate Bill 14," right?</p> <p>24 A. Yes.</p> <p>25 Q. Did I read that right?</p>
<p style="text-align: center;">38</p> <p>1 in my first three terms from 2005 to 2010."</p> <p>2 A. That is correct.</p> <p>3 Q. What other groups are you a member of? I 4 understand you're a member of Democratic party?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. What other groups?</p> <p>7 A. I sit on the Bill and Rita Clemens Center for 8 Southwest Studies at my alma mater, Southern Methodist 9 University. I'm on the president's -- President Gerald 10 Turner's advisory council for young leaders at Southern 11 Methodist University. I am a member of a group called 12 the Dallas Assembly, which is a group of leaders in the 13 Dallas area. I'm a member -- I'm an alumnae of a group 14 called Leadership Dallas. I am a member of the Catholic 15 Campus Community at SMU. There are a lot of groups I'm 16 a member of.</p> <p>17 Q. Okay.</p> <p>18 A. I -- I serve on the board of the Hoblitzelle 19 Foundation. H-O-B-L-I-T-Z-E-L-L-E, is my best 20 recollection of how to spell that. Member of the Oak 21 Cliff Lions Club.</p> <p>22 Q. Lot of groups.</p> <p>23 A. Yeah. UT Southwestern Foundation -- medical 24 school foundation.</p> <p>25 Q. Okay. The next paragraph, you discuss -- you</p>	<p style="text-align: center;">40</p> <p>1 A. Yes.</p> <p>2 Q. That's a true statement?</p> <p>3 A. To the best of my recollection, yes.</p> <p>4 Q. But in any event, you opposed all of them?</p> <p>5 A. Yes.</p> <p>6 Q. Can you tell us why it is that you have not 7 supported any of these versions of photo identification 8 bills?</p> <p>9 A. Because I think they would have the tendency to 10 disenfranchise many groups including ethnic and racial 11 minorities.</p> <p>12 Q. Okay. What I'm -- what I'm hearing is you 13 think that they would have a discriminatory effect; is 14 that what you're saying?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Let me ask you: As you're sitting here, 17 do you believe that House Bill 1706 had a discriminatory 18 purpose?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Do you believe that House Bill 218 had a 21 discriminatory purpose?</p> <p>22 A. Yes.</p> <p>23 Q. Do you believe that Senate Bill 362 had a 24 discriminatory purpose?</p> <p>25 A. Yes.</p>



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1 Q. And you believe Senate Bill 14 had a  
2 discriminatory purpose?

3 A. Yes.

4 Q. As to each of those, and we could go down the  
5 list, do you believe all four of them had a  
6 discriminatory effect?

7 A. Yes.

8 Q. Okay. And we'll get into that more later.

9 Now, Paragraph 5. "Throughout  
10 consideration of these bills, proponents of voter photo  
11 identification attempted to gain support for the bills  
12 by making statements about large numbers of undocumented  
13 Hispanics arriving and illegally voting in elections."  
14 Did I read that sentence right?

15 A. Yes.

16 Q. Okay. So without revealing matters of  
17 legislative privilege, can you tell me who made such  
18 statements?

19 A. Betty Brown, Leo Berman, and a number of  
20 witnesses who testified before the committee, including  
21 Paul Bettencourt from Harris County, George Hammerlein  
22 from Harris County, and a number of other witnesses who  
23 I have not -- who I don't recall, but came to testify  
24 before the committee.

25 Q. Okay. So you're saying those four individuals

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1 and maybe others --

2 A. At least those four individuals.

3 Q. Okay. Let me finish my question.

4 A. Sorry.

5 Q. You said that those four individuals and maybe  
6 other witnesses who testified --

7 A. (Witness nods head yes.)

8 Q. -- made statements that large numbers of  
9 undocumented Hispanics arriving and illegally -- let me  
10 -- let me start over.

11 You said that they made statements that  
12 attempted to gain support for the bills by making  
13 statements about large numbers of undocumented Hispanics  
14 arriving and illegally voting in elections. Each one of  
15 those did?

16 A. Yes. The essence of their -- the essence of  
17 their testimony was to that effect, yes.

18 Q. When you say testimony -- and you've -- you've  
19 talked about two people that provided testimony. And  
20 then you've talked about two legislators, Betty Brown  
21 and Leo Berman. So I want to take those separately.

22 A. Yes.

23 Q. Let's start with Betty Brown. Is the statement  
24 that you're referring to from Betty Brown, was that a  
25 matter of public record on the Floor?

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1 A. Yes.

2 Q. Okay. Can you tell me exactly what she said  
3 that aligns with what you've written on Paragraph 5?

4 A. I'd have to look at the -- at the House Journal  
5 to tell you exactly what she said. But the essence of  
6 what she said, she had stacks of paper at the dais, and  
7 she said that these -- these are illegal immigrant  
8 voters and that is why we need this legislation. And I

9 can't recall if she read the names of these folks,  
10 whether that was in committee or on the Floor. There  
11 were many Spanish surnames in that stack of papers. And  
12 I don't recall, when I was looking through the papers,  
13 whether the Spanish surnames -- whether I discovered  
14 that they were Spanish surnames and that was discussed  
15 in committee or on the House floor, but it was related  
16 to Betty Brown's comments.

17 Q. Okay. So Betty Brown made public statements  
18 that you believe are set forth or described in Paragraph  
19 5?

20 A. Yes. The essence of her comments is consistent  
21 with my statement.

22 Q. Okay. Those are matters of public record that  
23 Betty Brown made?

24 A. Yes.

25 Q. When did she make them, what session?

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1 A. Betty Brown would have made those, I believe,  
2 in the 2000 -- let me look back. I believe in the 80th  
3 legislative session.

4 Q. Okay. So the 80th Legislature, House Bill 218.

5 A. Okay.

6 Q. So in connection with House Bill 218, Betty  
7 Brown made public statements that you believe are  
8 described in Paragraph 5?

9 A. Yes.

10 Q. Okay. Let's talk about Leo Berman. And we're  
11 going to get back to Betty Brown because you address it  
12 in the affidavit --

13 A. Okay.

14 Q. -- so we'll talk about that.

15 A. Okay.

16 Q. Leo Berman. Actually, let me back up. Is  
17 there any other statement that you're aware of that  
18 Betty Brown made, other than what you've just described?

19 A. I think in committee, Betty Brown made  
20 statements related to undocumented immigrants voting as  
21 well.

22 Q. Okay. What did she specifically say in  
23 committee?

24 A. I don't recall specifically. But -- but my  
25 recollection is that that was the sense of her -- some



<p style="text-align: center;">45</p> <p>1 of her comments in committee.</p> <p>2 Q. Okay. That the sense of these comments that</p> <p>3 she made is that large numbers of undocumented Hispanics</p> <p>4 are arriving and illegally voting?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Yes?</p> <p>7 A. Yes.</p> <p>8 Q. Now, let me just ask you: Is it illegal if a--</p> <p>9 an undocumented alien votes, under current law, without</p> <p>10 any of these photo identification bills, is that</p> <p>11 illegal?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. What about a permanent resident who's a</p> <p>14 non-citizen, would that be illegal for somebody like</p> <p>15 that to vote?</p> <p>16 A. Yes.</p> <p>17 Q. Let's talk about your discussions or your --</p> <p>18 what you've said about Mr. Berman, okay?</p> <p>19 A. (Witness nods head yes.)</p> <p>20 Q. Representative Berman, when did he -- first of</p> <p>21 all, are these public statements that you're referring</p> <p>22 to that Representative Berman made?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And can you tell me what legislative --</p> <p>25 in what legislative session Mr. Berman made those</p>	<p style="text-align: center;">47</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And both those discussions -- and by the</p> <p>3 way, was the discussion with Representative Berman?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So --</p> <p>6 A. He was the chair of the committee at the time.</p> <p>7 Q. Okay. So both the discussion with</p> <p>8 Representative Berman and the letter to the editor, you</p> <p>9 believe evidenced that -- that he's saying that large</p> <p>10 numbers of undocumented Hispanics are arriving and</p> <p>11 illegally voting?</p> <p>12 A. Correct.</p> <p>13 Q. By itself, is that statement, "that large</p> <p>14 numbers of undocumented Hispanics are arriving and</p> <p>15 illegally voting," does that show discrimination or</p> <p>16 discriminatory purpose in your view?</p> <p>17 A. I think it's part of a -- the statement, by the</p> <p>18 way, I believe to be untrue. And is part of, I think, a</p> <p>19 manipulation of public opinion to try to put a Hispanic</p> <p>20 face on a problem, or an alleged problem, and it is</p> <p>21 designed, I think, to stoke fears about Hispanics</p> <p>22 voting, generally.</p> <p>23 Q. Well, you're -- you're addressing a subjective</p> <p>24 element to that.</p> <p>25 A. Uh-huh.</p>
<p style="text-align: center;">46</p> <p>1 remarks?</p> <p>2 A. I'm trying to think when he was committee</p> <p>3 chair, but that may have been in the 80th legislative</p> <p>4 session as well. I may be confusing the 80th and the</p> <p>5 81st but...</p> <p>6 Q. So Representative Berman made public statements</p> <p>7 in either the 80th or the 81st --</p> <p>8 A. In fact, they were written.</p> <p>9 Q. Okay.</p> <p>10 A. They were written.</p> <p>11 Q. All right. Let me back up then. In the 80th</p> <p>12 or 81st Legislature, he made a public written statement</p> <p>13 that indicated that undocumented Hispanics are arriving</p> <p>14 and illegally voting?</p> <p>15 A. Yes, "illegal aliens voting," I believe were</p> <p>16 his -- his exact written -- I'd have to go back and look</p> <p>17 at his letter, but yes.</p> <p>18 Q. And how is that a matter of public record? Is</p> <p>19 that introduced in -- in?</p> <p>20 A. I believe he wrote it as a letter to the editor</p> <p>21 to the Tyler paper.</p> <p>22 Q. Okay.</p> <p>23 A. And we discussed it in committee.</p> <p>24 Q. So there was a letter to the editor from</p> <p>25 Representative Berman and it was discussed in committee?</p>	<p style="text-align: center;">48</p> <p>1 Q. You're interpreting those remarks that --</p> <p>2 A. That is my interpretation, correct.</p> <p>3 Q. So when you're saying that those evidenced</p> <p>4 discriminatory purpose, you're saying my interpretation,</p> <p>5 as Representative Anchia, is that those remarks are</p> <p>6 discriminatory?</p> <p>7 A. I think that is evidence of discriminatory</p> <p>8 purpose, yes. Which I think that -- yeah, yes.</p> <p>9 Q. Is there anything else that Representative</p> <p>10 Berman uttered publicly or privately that you believe</p> <p>11 evidence what you set forth in Paragraph 5?</p> <p>12 A. I imagine private communications would be</p> <p>13 privileged.</p> <p>14 Q. And -- and that's a good catch. And I'm not</p> <p>15 asking you for the substance, I'm asking you: Have you</p> <p>16 had private conversations with him that you believe</p> <p>17 evidence discrimination? So just a general subject</p> <p>18 matter.</p> <p>19 A. Yes.</p> <p>20 Q. And can you tell me when those communications</p> <p>21 occurred?</p> <p>22 A. It occurred before a debate that we had where</p> <p>23 we were set to go on TV and we were visiting at the TV</p> <p>24 station and he was getting makeup put on.</p> <p>25 Q. Okay.</p>



<p style="text-align: center;">49</p> <p>1 A. And we had a -- we had a discussion.</p> <p>2 Q. Okay. How long was the discussion?</p> <p>3 A. Five minutes.</p> <p>4 Q. Who else was present?</p> <p>5 A. The makeup artist.</p> <p>6 Q. Okay. Can you tell me the station where this</p> <p>7 occurred?</p> <p>8 A. I don't know the call letters.</p> <p>9 Q. Who -- who interviewed you that day?</p> <p>10 A. I believe it was Paul Stekler.</p> <p>11 Q. Who is Paul Stekler?</p> <p>12 A. He's a -- he is a PBS TV interviewer --</p> <p>13 Q. In Dallas?</p> <p>14 A. No, no. In Austin.</p> <p>15 Q. In Austin. Any other statements by</p> <p>16 Representative Berman that you believe are part of your</p> <p>17 description of -- set forth in Paragraph 5?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Okay. Can you tell me the time frame that that</p> <p>20 occurred, that interview?</p> <p>21 A. I think it was either during the 2005 or 2007</p> <p>22 session.</p> <p>23 Q. Okay. Now you've referenced something that</p> <p>24 Mr. Berman said, I think you said in either the 80th or</p> <p>25 81st session. You haven't referenced anything he said</p>	<p style="text-align: center;">51</p> <p>1 A. Something along those lines.</p> <p>2 Q. And he made those statements in public, in</p> <p>3 testimony?</p> <p>4 A. Yes.</p> <p>5 Q. And he made those during which session?</p> <p>6 A. Either during the -- I think during the 2007</p> <p>7 session, if not during the 2009 session.</p> <p>8 Q. Okay. Any other sessions?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you recall specifically what he said?</p> <p>11 A. Not exactly.</p> <p>12 Q. It would be on the record, I assume?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. If we want to read it for ourselves,</p> <p>15 it's there?</p> <p>16 A. Yes.</p> <p>17 Q. Any other statements Mr. Bettencourt made?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Okay. You ever talk to him?</p> <p>20 A. No.</p> <p>21 Q. Okay. You're referring to his public</p> <p>22 testimony?</p> <p>23 A. Yes.</p> <p>24 Q. All right. George Hammerly?</p> <p>25 A. Hammerlein, I think.</p>
<p style="text-align: center;">50</p> <p>1 in the 82nd. Can you identify -- is there any time in</p> <p>2 the 82nd that Representative Berman uttered such a</p> <p>3 statement?</p> <p>4 A. No. I don't believe he was involved in the</p> <p>5 legislation.</p> <p>6 Q. Okay. He wasn't involved in the legislation,</p> <p>7 Senate Bill 14?</p> <p>8 A. Yeah. Not that I recall.</p> <p>9 Q. Okay. Because Representative Berman wasn't on</p> <p>10 the Select Committee that considered the bill?</p> <p>11 A. I don't recall.</p> <p>12 Q. Well, what did you mean that he wasn't involved</p> <p>13 in the legislation?</p> <p>14 A. He wasn't the author of the legislation. I</p> <p>15 think in prior sessions, he had authored legislations to</p> <p>16 this effect.</p> <p>17 Q. All right. You talked about Paul Bettencourt.</p> <p>18 Who is that?</p> <p>19 A. I want to say he's the Harris County Tax</p> <p>20 Assessor. He was the Harris County Tax Assessor-</p> <p>21 Collector.</p> <p>22 Q. Okay. And he uttered statements that -- that</p> <p>23 you generally described as "large numbers of</p> <p>24 undocumented Hispanics arriving and illegally voting in</p> <p>25 elections," something to that affect.</p>	<p style="text-align: center;">52</p> <p>1 Q. And who is George Hammerlein?</p> <p>2 A. I believe he worked for Paul Bettencourt at the</p> <p>3 Harris County tax assessor-collector's office in the</p> <p>4 voting division.</p> <p>5 Q. When did Mr. Hammerlein testify?</p> <p>6 A. Either in 2007 or 2009.</p> <p>7 Q. The testimony was public?</p> <p>8 A. Yes.</p> <p>9 Q. Was in it committee or was it on the --</p> <p>10 A. I believe it was in committee.</p> <p>11 Q. And, again, you think what Mr. Hammerlein said</p> <p>12 fits the description of "large numbers of undocumented</p> <p>13 Hispanics arriving and illegally voting in elections"?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know what he said specifically?</p> <p>16 A. He talked about a match that his office had</p> <p>17 done between the jury pool lists and the voter</p> <p>18 registration lists, and he asserted that the two</p> <p>19 inconsistent statements where a person says they're a</p> <p>20 U.S. citizen and their voter registration card -- and on</p> <p>21 -- and the inconsistent statement where the person said</p> <p>22 that they were not a U.S. citizen in the jury pool,</p> <p>23 confirmed that there were undocumented persons voting in</p> <p>24 these elections. And in fact, the stack of papers that</p> <p>25 he handed out had many Spanish surname persons that he</p>





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1 was alleging were voting illegally -- or illegal  
2 immigrants who were voting.

3 Q. Everything that he said was on the public  
4 record?

5 A. Yes.

6 Q. Did you find out information that later led you  
7 to believe that what he was saying is not true?

8 A. Yes.

9 Q. Okay. Can you tell me what you found out?

10 A. Well, we talked to -- we talked to some of the  
11 same people that he said were illegal immigrants and  
12 they, in fact, were U.S. citizens.

13 Q. Who is "we"?

14 A. Our office, our state office.

15 Q. Did you talk with anyone?

16 A. I'm trying to think. Yes, I believe I did talk  
17 to some of those persons who were alleged to have been  
18 illegal immigrants.

19 Q. You got their names from his testimony sometime  
20 if the --

21 A. From the stack -- I'm sorry.

22 Q. Let me finish the question. Sometime in the  
23 2007 or 2009 time frame?

24 A. Yes.

25 Q. You got his -- whatever he testified to

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1 publicly, you got the names of the individuals?

2 A. Yes.

3 Q. And you or someone from your office contacted  
4 these individuals?

5 A. Yes.

6 Q. Who did you specifically talk to?

7 A. I don't recall.

8 Q. Who did the members of your office talk to?

9 A. I don't recall.

10 Q. And what did you -- what was the substance of  
11 -- when you contacted these people, what did you find  
12 out?

13 A. I asked them whether they were undocumented or  
14 not.

15 Q. Okay. And how many people did you talk to?

16 A. I don't know.

17 Q. Was it more than one?

18 A. I don't remember.

19 Q. Can you give -- is there a record you could  
20 look at and get us the name of that individual?

21 A. It's possible. I'll look to see if we still  
22 have those records. But we talked about some of that  
23 research in one of my committee reports when Chairman --  
24 when Chairman Berman was the chair of the committee. It  
25 was included in public, in the Elections Committee

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1 report.

2 Q. So the results of those communications are set  
3 forth in what?

4 A. In a -- the Elections Committee report. To the  
5 best of my recollection, from either the 2007 or 2009  
6 session, whenever Chairman Berman was Chair.

7 Q. Okay. Now you've identified --

8 A. May I also --

9 Q. Go ahead.

10 A. I'd also like to point out that on the House  
11 floor when Betty Brown had that same stack, it appeared,  
12 of what she was calling illegal alien voters,  
13 Representative Hochberg went and inspected those  
14 documents and found them to be -- found her statements  
15 to be inaccurate as well. Because you asked me earlier  
16 how I -- how I believe that not to be true.

17 Q. Okay. And now we're talking about Betty Brown.  
18 And we can talk about that but --

19 A. I may have jumped ahead.

20 Q. No, that's okay. In fact, let's talk about it.

21 A. Okay.

22 Q. You, in Paragraph 6 of this affidavit, you say  
23 that, "In 2009, former Representative Betty Brown, who  
24 is Anglo, held up a stack of papers during the House  
25 floor debate and said they proved that illegal aliens

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1 were voting." Is that what she said?

2 A. Yes.

3 Q. That's what you're referring to when you  
4 discussing Betty Brown's statement?

5 A. Correct.

6 Q. And in this affidavit filed with the court,  
7 you're relating to the court that it's Representative  
8 Hochberg is the one who spoke with her or that  
9 subsequently examined the papers and said they didn't  
10 contain any evidence, right?

11 A. Yes.

12 Q. You -- you didn't do that yourself; you didn't  
13 do that inspection yourself?

14 A. Well -- I mean, to the extent that it was the  
15 same stack of papers, and I believe it was, the same  
16 stack that George Hammerlein and Paul Bettencourt had  
17 presented to our office, then, yes, we had examined  
18 those papers.

19 Q. So you're indicating that what Betty Brown held  
20 up is the same thing that --

21 A. It is my recollection that it was the same  
22 stack of papers.

23 Q. Okay. Let me finish the question and I'll try  
24 to let you finish the answer.

25 A. I apologize.



<p style="text-align: center;">57</p> <p>1 Q. When we read it, it will be crazy.</p> <p>2 A. Right. I understand.</p> <p>3 Q. Okay. Let's -- let me just ask you to make</p> <p>4 sure it's clear: The stack of payments that you're</p> <p>5 indicating were in Betty Brown's hands, you're</p> <p>6 indicating were the same stack of papers that</p> <p>7 Mr. Bettencourt had held up or referenced in his public</p> <p>8 testimony?</p> <p>9 A. It is my recollection that they were the same.</p> <p>10 Q. You didn't add, in Paragraph 6, that you had</p> <p>11 personally discussed this matter with individuals listed</p> <p>12 on those papers though, did you?</p> <p>13 A. No.</p> <p>14 Q. Okay. Is there reason you didn't put that in</p> <p>15 there?</p> <p>16 A. No.</p> <p>17 Q. Okay. In fact, what you say is, is you</p> <p>18 referenced Representative Hochberg and say that he's the</p> <p>19 one that examined the papers?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Why didn't you put what you had done in</p> <p>22 there?</p> <p>23 A. I -- I assume I forgot.</p> <p>24 Q. Okay. Let go back up to Paragraph 5. We</p> <p>25 didn't go over one of your sentences here. It is, "In</p>	<p style="text-align: center;">59</p> <p>1 testify as to the need for photo identification, that</p> <p>2 there were undocumented persons -- and either explicitly</p> <p>3 or implicitly, that there were Hispanic voting at the</p> <p>4 polls. When I would ask people at the committee, you</p> <p>5 know, whether or not they knew they were -- whether they</p> <p>6 were documented or undocumented, whether they were</p> <p>7 illegally voting or not illegally voting, could never</p> <p>8 come up with a -- with an example. But it was</p> <p>9 generally, there was this sense that the Hispanics that</p> <p>10 were voting were somehow illegal and if that is -- and</p> <p>11 if that is the case, we need this photo identification</p> <p>12 to stop them from doing so.</p> <p>13 Q. There would not be a discriminatory purpose, in</p> <p>14 your view, of trying to curb non-citizens voting?</p> <p>15 A. No.</p> <p>16 Q. But your interpretation of these remarks is</p> <p>17 that they are selling this on the backs of Latinos?</p> <p>18 That's your interpretation, right?</p> <p>19 A. That's right.</p> <p>20 Q. Are there any other individuals that we haven't</p> <p>21 yet discussed? You've referenced some witnesses who</p> <p>22 testified, and you referenced Brown, Berman,</p> <p>23 Bettencourt, and Hammerlein. Anybody else who, in your</p> <p>24 view, was selling the concept of photo identification on</p> <p>25 the backs of Latinos?</p>
<p style="text-align: center;">58</p> <p>1 essence, they sold the concept of photo identification</p> <p>2 requirements for voting on the backs of Latinos." Did I</p> <p>3 read that right?</p> <p>4 A. Yes.</p> <p>5 Q. All right. So when you're saying "they sold,"</p> <p>6 you're referring to Betty Brown, Leo Berman, Paul</p> <p>7 Bettencourt and George Hammerlein?</p> <p>8 A. And many other people who testified before the</p> <p>9 committee.</p> <p>10 Q. Okay. Anyone else you're referring to?</p> <p>11 A. I mean, not by name -- not that I can recall by</p> <p>12 name.</p> <p>13 Q. And it's your interpretation of what they're</p> <p>14 saying is that they are selling the concept of photo</p> <p>15 identification on the backs of Latinos?</p> <p>16 A. Yes.</p> <p>17 Q. Is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Is that all Latinos?</p> <p>20 A. I'm not sure I understand the question.</p> <p>21 Q. Okay. Well, when you say the words "on the</p> <p>22 backs of Latinos," what do you mean?</p> <p>23 A. What I mean by that is that there was this</p> <p>24 narrative that I heard during my three sessions on the</p> <p>25 Elections Committee from people who would come and</p>	<p style="text-align: center;">60</p> <p>1 A. No. Other than the people who testified before</p> <p>2 the committee, sort of, you know, the blog</p> <p>3 infrastructure where you would read things out in blogs,</p> <p>4 you know, where there were concerns about illegal</p> <p>5 immigrants, Hispanic illegal immigrants voting in</p> <p>6 elections, and then some direct statements that we heard</p> <p>7 during the legislative process, then I would say no.</p> <p>8 Q. Okay.</p> <p>9 MR. SWEETEN: Can you read the answer</p> <p>10 back, please.</p> <p>11 (The requested portion was read back by</p> <p>12 the reporter.)</p> <p>13 Q. So in that answer, you're referencing bloggers,</p> <p>14 you're referencing these four individuals, and then</p> <p>15 others who testified. Okay. Now, none of those</p> <p>16 references that you've made relate to anything that</p> <p>17 occurred in the 82nd Legislature. Would you agree with</p> <p>18 that?</p> <p>19 A. No.</p> <p>20 Q. Okay. Well, let's go through it. Brown's</p> <p>21 remarks weren't in the 82nd?</p> <p>22 A. Right.</p> <p>23 Q. Berman's weren't in the 82nd?</p> <p>24 A. Right.</p> <p>25 Q. Bettencourt's weren't in the 82nd?</p>



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1 A. Right.  
 2 Q. Hammerlein's weren't in the 82nd?  
 3 A. Right.  
 4 Q. Other witnesses?  
 5 A. Yes.  
 6 Q. Who?  
 7 A. I don't have names for you but we did have  
 8 other witnesses during the 82nd legislative session.  
 9 Q. If we wanted to check to see who those  
 10 witnesses are --  
 11 A. It would probably be in the public record.  
 12 Q. Okay. Let me -- let me just finish the  
 13 question.  
 14 A. Sorry.  
 15 Q. If we want to check to see who those witnesses  
 16 are, who made statements that there were -- that the  
 17 concept of photo identification was being sold on the  
 18 backs of Latinos, we can just look at the 82nd  
 19 legislature transcript to find those; is that right?  
 20 A. I don't think they would have said this exact  
 21 thing. This is my interpretation of their comments. So  
 22 would you have had a witness that was in favor of photo  
 23 ID, would have said, "We're selling this on the backs of  
 24 Latinos," then I'd say you will not find that in the  
 25 transcript.

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1 Q. So as far as participation in the 82nd  
 2 legislature, either as a legislator or as a witness,  
 3 those individuals who sold this on the backs of Latinos,  
 4 the court could just look at the transcript and they can  
 5 make their own interpretation as to whether or not those  
 6 statements made in public record were selling it on the  
 7 backs of Latinos, right?  
 8 A. Yes.  
 9 Q. Okay. Let's go to Paragraph 7. "In 2011,  
 10 House leadership formed the Select Committee on Voter  
 11 Identification and Fraud which solely addressed Senate  
 12 Bill 14." Let's talk about that first sentence. How  
 13 many select committees have you been a member of?  
 14 A. None.  
 15 Q. How many select committees --  
 16 A. Oh, not true. One.  
 17 Q. Okay. Which select committee was that?  
 18 A. The Select Committee on School Finance.  
 19 Q. Okay. How many bills did the Select Committee  
 20 on School Finance consider?  
 21 A. None. It is a -- it is a committee that has  
 22 recently been formed and has had one hearing.  
 23 Q. And are you familiar with other select  
 24 committees being established within the House?  
 25 A. No.

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1 Q. Okay. Is this the -- so the only two select  
 2 committees you're aware of are the Select Committee on  
 3 Voter Identification and Fraud in 2011 and this recent  
 4 select committee that you're a member of now on School  
 5 Finance?  
 6 A. Yes. As far as I recall, those are the only  
 7 two.  
 8 Q. Who established the Select Committee on School  
 9 Finance?  
 10 A. I imagine the Speaker of the House.  
 11 Q. Okay. And you were -- you're a member or do  
 12 you have a leadership position on the committee?  
 13 A. No.  
 14 Q. As you're sitting here, you don't know how many  
 15 bills the select committee that you're on is going to  
 16 consider?  
 17 A. No.  
 18 Q. You don't have an estimate?  
 19 A. Because the bill filing period hasn't opened.  
 20 Q. Okay.  
 21 A. So I -- we don't know.  
 22 Q. Or whether this committee will even hear bills?  
 23 A. I think it's just an interim committee.  
 24 Q. Okay.  
 25 MR. GARZA: We've been going for about an

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1 hour and quarter. Can we take a break?  
 2 MR. SWEETEN: Sure. Absolutely. Let's do  
 3 that.  
 4 (Recess from 2:59 to 3:10 p.m.)  
 5 Q. (By Mr. Sweeten) Photo identification bills are  
 6 popular with the general population, right?  
 7 A. I don't know.  
 8 Q. Okay. Have you consulted any polls regarding  
 9 that issue?  
 10 A. No.  
 11 Q. Okay. Let me show you what we'll mark as  
 12 Anchia Exhibit 5.  
 13 (Exhibit 5 marked for identification.)  
 14 Q. (By Mr. Sweeten) I have handed you what we've  
 15 marked as Anchia Exhibit 5. Do you see that in front of  
 16 you?  
 17 A. I do.  
 18 Q. And that document is a Lighthouse Opinion Poll,  
 19 Fall 2010, Statewide Landscape Benchmark Survey. Have  
 20 you ever seen this poll before?  
 21 A. No.  
 22 Q. Okay. If you could turn to Page 3. There's a  
 23 section called Voter ID Requirement.  
 24 A. Okay. That is the bottom of Page 3?  
 25 Q. That's correct.



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<p style="text-align: center;">65</p> <p>1 A. Photo Voter ID Requirement?</p> <p>2 Q. Correct. That poll asks the question: "Do you</p> <p>3 favor or oppose requiring a valid photo ID before a</p> <p>4 person is allowed to vote," correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And underneath the numbers, it says 86</p> <p>7 percent favor it. Do you see that on the left column?</p> <p>8 A. Yes.</p> <p>9 Q. It says 94 percent of Republicans favor it, and</p> <p>10 75 percent of Democrats favor it. Did I read that</p> <p>11 correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And then it has, underneath it says 22</p> <p>14 percent of Democrats are opposed to it, and 5 percent of</p> <p>15 Republicans are opposed to it, for a total of 12</p> <p>16 percent. Did I read that correctly?</p> <p>17 A. Walk me through that one more time. I didn't</p> <p>18 follow.</p> <p>19 Q. Okay. 12 percent oppose -- according to the</p> <p>20 poll, 12 percent oppose this question, correct?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And that includes 22 percent of</p> <p>23 Democrats polled oppose it, right?</p> <p>24 A. Yes.</p> <p>25 Q. And 5 percent of Republicans?</p>	<p style="text-align: center;">67</p> <p>1 that the -- whether or not something is supported by the</p> <p>2 populace, by voters?</p> <p>3 A. It might.</p> <p>4 Q. Okay. You hadn't seen this before, this</p> <p>5 Lighthouse Poll?</p> <p>6 A. No.</p> <p>7 Q. Okay. I'm going to hand you what we'll go</p> <p>8 ahead and mark as Anchia 6.</p> <p>9 (Exhibit 6 marked for identification.)</p> <p>10 MR. SWEETEN: Here's a copy for you,</p> <p>11 Counsel, and just to make it official, here's another</p> <p>12 copy as well.</p> <p>13 Q. (By Mr. Sweeten) And what I'm showing you are</p> <p>14 one, two, three, four, five, six, seven, -- 11 boxes</p> <p>15 that represent questions about voter identification,</p> <p>16 okay? So I want to ask you: Have you -- there's a poll</p> <p>17 -- the first box references a survey by Fox News, from</p> <p>18 April 9th through April 11, 2012, based on 910 telephone</p> <p>19 interviews. Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. And do you see above that 70 percent of voter</p> <p>22 identification -- 70 percent of those polled said that</p> <p>23 voter identification are laws needed to stop illegal</p> <p>24 voting. Do you see that? Did I read that right?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">66</p> <p>1 A. Yes.</p> <p>2 Q. Now, if you'll look at the racial breakdown to</p> <p>3 the right, it says, "White, Black, Hispanic," and there</p> <p>4 it says, "86 percent of whites favor it, 82 percent of</p> <p>5 blacks favor it, 83 percent of Hispanics favor it." Did</p> <p>6 I read all that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Do you have any reason to dispute the results</p> <p>9 of this poll?</p> <p>10 A. I don't know the sample size. I don't know who</p> <p>11 they talked to. I don't know the questions that were</p> <p>12 asked and how they were asked. I don't know the</p> <p>13 fundamentals of the poll.</p> <p>14 Q. You have not seen this poll before?</p> <p>15 A. So I would have no information to dispute or</p> <p>16 affirm the results.</p> <p>17 Q. Does it matter to you if people support a bill,</p> <p>18 when you're making a calculation such as you have here,</p> <p>19 that a bill is discriminatory?</p> <p>20 A. Restate your question.</p> <p>21 Q. Okay. You have made allegations that this bill</p> <p>22 has a discriminatory purpose. You have said that today,</p> <p>23 right?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Does it factor into your consideration</p>	<p style="text-align: center;">68</p> <p>1 Q. Are you aware of this poll, outside of what I'm</p> <p>2 showing you today?</p> <p>3 A. No.</p> <p>4 Q. Okay. It says, "26 percent of voter</p> <p>5 identification laws are unnecessary and discourage legal</p> <p>6 voting," right?</p> <p>7 A. Yes.</p> <p>8 Q. According to this poll, it is -- by 70 to 26,</p> <p>9 is it popular with those surveyed, correct?</p> <p>10 A. Yes.</p> <p>11 Q. But you've never seen this poll before?</p> <p>12 A. No.</p> <p>13 Q. Okay. Let's look at the next one. This is a</p> <p>14 survey by Fox News, January 12 through January 14, 2012,</p> <p>15 based on 906 telephone interviews. The question asked,</p> <p>16 "Do you think people should be required to show a valid</p> <p>17 form of state or federally-issued photo identification</p> <p>18 to prove U.S. citizenship before being allowed to vote?"</p> <p>19 Do you see that 80 percent of people surveyed say "Yes"?</p> <p>20 A. Yes.</p> <p>21 Q. And 19 percent say "No"?</p> <p>22 A. Yes.</p> <p>23 Q. And would you agree that that poll shows that</p> <p>24 it is overwhelmingly popular, this question as posed in</p> <p>25 the telephone survey?</p>



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1 A. No. What -- what this says to me is that of  
2 the 906 people, 80 percent answered yes to the question  
3 that was asked.  
4 Q. Okay. Do you have a problem with the  
5 methodology utilized, or do you not know one way or the  
6 other?  
7 A. I don't know one way or the other.  
8 Q. Have you seen this poll before, this one?  
9 A. No.  
10 Q. Did you ever rely upon this poll in any way?  
11 A. No.  
12 Q. Let's look at the next one. The next one is,  
13 Survey by Fox News. Methodology: Conducted by Anderson  
14 Robbins Research, Shaw & Company survey, April 3rd  
15 through April 5th, 2011. Now, that was during the 82nd  
16 Legislature, correct?  
17 A. Those dates coincided with the 82nd  
18 Legislature, correct.  
19 Q. And this is a national poll, and they asked,  
20 "Do you think requiring U.S. citizens to show  
21 identification before being allowed to vote in elections  
22 is a good or a bad idea?" 88 percent say it's a good  
23 idea. Did I read that right?  
24 A. You read that correctly.  
25 Q. Were you aware of this poll?

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1 A. I was not.  
2 Q. Okay. Let's look at another national poll.  
3 This one is surveyed by Fox News conducted by Opinion  
4 Dynamics, June 9 through June 10, 2009. So this would  
5 have been during the 81st Legislative session, correct,  
6 or just after?  
7 A. I believe that these dates would have been  
8 after the conclusion of the 81st Legislative Session.  
9 Q. Okay. And the question posed: "Do you think  
10 people should be required to show photo identification  
11 or a social security card to prove U.S. citizenship  
12 before being allowed register to vote?" 91 percent say  
13 yes, it should. Did I read that right?  
14 A. Yes.  
15 Q. Were you aware of this poll?  
16 A. No.  
17 Q. I'm going to show you next one, a survey by Fox  
18 News, June 9 through June 10, 2009. "Do you think  
19 requiring voters to show photo identification at their  
20 polling places before being allowed to vote is a good  
21 idea because it helps avoid fraud or a bad idea because  
22 it can discriminate against people who don't have a  
23 driver's license or other photo ID?" 83 percent of the  
24 survey responders say it's a good idea. Did I read that  
25 correctly?

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1 A. Yes.  
2 Q. Okay. This poll would seem to show that it is  
3 a popular thing so have voter identification, correct?  
4 A. This poll shows me that of the 900 people that  
5 were given telephone interviews, 83 percent answered the  
6 above question as being a good idea.  
7 Q. Okay. Had you seen this poll?  
8 A. No.  
9 Q. Did you rely upon this in any way?  
10 A. No.  
11 Q. The next poll, Pew Research, People and the  
12 Press. Methodology: Conducted October 17th through  
13 October 22nd of 2006. The question asked: "On election  
14 day, should voters be required to show an official photo  
15 identification, such as a driver's license, or shouldn't  
16 they have to do this?" 78 percent, should show photo  
17 ID. Did I read that correctly?  
18 A. Yes.  
19 Q. Okay. If you'll look -- this one is broken out  
20 by White, Black, and Hispanic. And do you see under  
21 Hispanic it says, "83 percent say should show photo ID."  
22 Did I read that correctly?  
23 A. Yes.  
24 Q. Under Black, "74 percent say should show photo  
25 ID."

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1 A. Yes.  
2 Q. Under White, "77 percent should show photo ID."  
3 A. Yes.  
4 Q. Is this a poll you ever read prior to today?  
5 A. No.  
6 Q. Were you aware of this poll?  
7 A. I don't recall being aware of it.  
8 Q. The next one I'm going to show is on the next  
9 page. This is "Survey by NBC News, Wall Street Journal,  
10 conducted April 21st through April 24th, 2006, based on  
11 1100 telephone interviews. The question posed was:  
12 "I'm going to read you several major changes that could  
13 be made in politics or specific policies. For each one,  
14 please tell me whether you would strongly favor, mildly  
15 favor, feel neutral about, or mildly oppose or strongly  
16 oppose this change... Require voters to produce a valid  
17 photo identification when they go to vote." 52 percent  
18 say they strongly favor this measure, correct?  
19 A. Yes.  
20 Q. Did I read that correctly?  
21 A. You did.  
22 Q. By the way, do you have any -- did you hear  
23 about this poll --  
24 A. No.  
25 Q. -- prior to today?





<p style="text-align: center;">73</p> <p>1 A. Not -- I don't recall having seen this poll.</p> <p>2 Q. 19 percent say they mildly favor it, right?</p> <p>3 A. That is correct.</p> <p>4 Q. Okay. 12 percent say feel neutral, and 7</p> <p>5 percent combined are either mildly or strongly opposed.</p> <p>6 Did I read that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Any problems with any of the methodology</p> <p>9 in here or is it because --</p> <p>10 A. I would have no basis to know.</p> <p>11 Q. Okay. Here we've got a Texas poll on the next</p> <p>12 page. "The Texas legislature recently considered</p> <p>13 legislation stating that people have to provide photo ID</p> <p>14 in order to vote in Texas elections. Supporters say</p> <p>15 such an ID check is required to purchase groceries or</p> <p>16 receive any government services and is needed to</p> <p>17 guarantee the integrity of the electoral system.</p> <p>18 Opponents say there is no evidence that unregistered</p> <p>19 people are voting in Texas, and that a voter ID</p> <p>20 requirement would disproportionately discourage</p> <p>21 Hispanics and senior citizens, who are less likely to</p> <p>22 have ID, from voting. Do you support or oppose voter ID</p> <p>23 legislation? Would that be strongly or just</p> <p>24 somewhat. 54 percent of the respondents say they</p> <p>25 strongly support photo ID." Correct? Is that right?</p>	<p style="text-align: center;">75</p> <p>1 correctly?</p> <p>2 Q. Yes.</p> <p>3 A. It provides, I think, arguments on one side of</p> <p>4 the issue. Some people argue that requiring registered</p> <p>5 voters to present government-issued photo ID at the</p> <p>6 polls reduces voter fraud and does not place major</p> <p>7 obstacles. So yes, you did characterize that correctly.</p> <p>8 Q. Okay. So this poll would seem to indicate that</p> <p>9 this is overwhelmingly popular with Texas citizens, if</p> <p>10 the poll results are to be believed, right?</p> <p>11 A. Yes. This poll -- yes, this poll was conducted</p> <p>12 of 800 registered voters in Texas, and they answered it,</p> <p>13 they answered accordingly.</p> <p>14 Q. Okay. Here we've got another poll on the</p> <p>15 bottom. A survey conducted between June 11th and 29th</p> <p>16 of 2009, of 924 adults in Texas. There it says, "70</p> <p>17 percent agree with the proposition that requiring</p> <p>18 registered voters to present a government-issued photo</p> <p>19 identification at the polls before they can be allowed</p> <p>20 to vote." 70 percent agree with that. Did I</p> <p>21 characterize that correctly?</p> <p>22 A. Did you 73 percent?</p> <p>23 Q. 70 percent.</p> <p>24 A. Or 70? That is correct.</p> <p>25 Q. Okay. It's broken out into White, black,</p>
<p style="text-align: center;">74</p> <p>1 A. You read that correctly.</p> <p>2 Q. Okay. The next line says, "17 percent somewhat</p> <p>3 support?"</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then the combined numbers for</p> <p>6 somewhat opposed or strongly opposed is 26 percent; is</p> <p>7 that right?</p> <p>8 A. Somewhat supposed and strongly opposed combined</p> <p>9 are 26 percent, that's correct.</p> <p>10 Q. Okay. Now, is this a poll which was -- a</p> <p>11 survey conducted by the Texans for the Texas Lyceum</p> <p>12 dated June 5th through the 12th, 2009. Is this a poll</p> <p>13 that you've ever before?</p> <p>14 A. I don't recall having seen this poll.</p> <p>15 Q. All right. There are additional polls. There</p> <p>16 is one from the -- the next page is a survey conducted</p> <p>17 from February 11th through 17th of 2011. That would be</p> <p>18 during the 82 Legislative Session, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Of 800 registered voters in Texas. And with</p> <p>21 the question posed about voter ID, 75 percent agree that</p> <p>22 voters should be required to present a government-issued</p> <p>23 photo ID at the polls before they can be allowed to</p> <p>24 vote. Did I characterize that correctly?</p> <p>25 A. The -- did you characterize this question</p>	<p style="text-align: center;">76</p> <p>1 Hispanic, all of those groups agree that voters should</p> <p>2 present a government-issued photo identification at the</p> <p>3 polls before they can be allowed to vote; is that right?</p> <p>4 A. That is correct.</p> <p>5 Q. Did you review this poll at any time?</p> <p>6 A. I did not.</p> <p>7 Q. Okay. The last one is a poll conducted, it's a</p> <p>8 survey of 800 adults in Texas, and the question posed</p> <p>9 is: "Do you agree or disagree with requiring registered</p> <p>10 voters to present a government-issued voter</p> <p>11 identification at the polls before they can be allowed</p> <p>12 to vote?" Again, 69 percent agree with that</p> <p>13 proposition. Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. Whites, blacks, and Hispanics, the majority of</p> <p>16 them agree with that proposition as well; is that</p> <p>17 correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. Did you ever review this poll?</p> <p>20 A. No.</p> <p>21 Q. Is it a true statement that --</p> <p>22 A. And if I just might ask: What is the source of</p> <p>23 this poll? The other polls that you talked about. I</p> <p>24 mean, I wouldn't know whether I did or not, because it's</p> <p>25 not sourced.</p>



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1 Q. It's not on there. It's not sourced.

2 A. Okay. Okay.

3 Q. Would you agree that -- I have just shown you a  
4 number of national and Texas state polls. Would you  
5 agree that every single one that I showed you -- we just  
6 went through them all. Every one of them shows that  
7 photo identification is a popular issue with voters?

8 A. Yes, in each of the polls you showed me, it was  
9 a -- it was a popular proposition.

10 Q. Are you aware of any polls that show the  
11 contrary?

12 A. I am aware of no polls.

13 Q. Are those who agree with photo identification,  
14 as represented in that poll, any of those polls, are  
15 those people attempting to purposefully discriminate  
16 against blacks, Hispanics, or any other minority groups?

17 A. I don't know.

18 Q. Let's go back to the -- to your declaration.  
19 If we can turn to Paragraph 7. I'm sorry. I think we  
20 did 7. Let's do Paragraph 8.

21 Here you say, "Based on my experience in  
22 the legislature, I believe the proponents of Senate Bill  
23 14 wanted to move the bill through the legislative  
24 process as quickly as possible to ensure its passage."  
25 Did I read that correctly?

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1 A. Yes.

2 Q. Is it unusual for individuals to want to move  
3 their bills quickly through the legislative process?

4 A. It is not unusual for individuals to want to  
5 move their bills quickly through the legislative  
6 process.

7 Q. If you have a bill that you think is important  
8 to you, do you try to move those quickly through the  
9 legislative process?

10 A. Yes.

11 Q. Okay. And because, if they get hung up, they  
12 may not get enacted, right?

13 A. Yes.

14 Q. Now, here you add that, "The demographics of  
15 Texas are changing, and a photo identification  
16 requirement, like redistricting, is a way to decrease  
17 the impact of the minority vote."

18 A. Yes.

19 Q. What's the basis for that statement?

20 A. The basis is the 2010 census for the first part  
21 of the -- for the first part of the phrase, the  
22 demographics are changing, of Texas are changing. The  
23 second part speaks to legislative initiatives that can  
24 be used to reduce the impact of minority vote.

25 Q. Okay. What are you aware of, as far as any

79

1 sort of data analysis, that indicates that Senate Bill  
2 14 will decrease the impact of the minority vote?

3 A. We received testimony, during the legislative  
4 session, that in the Select Committee -- and to be  
5 clear, I was not on the Select Committee, but sat  
6 through the one hearing that we had in committee -- that  
7 suggested that the minority vote would be decreased if  
8 Senate Bill 14 was enacted.

9 Q. Whose testimony are you referring to?

10 A. I don't recall.

11 Q. Can you give us a description of what they  
12 said?

13 A. Toby Moore has testified, and I believe he is  
14 the former project manager for the Carter-Baker  
15 Commission. He has testified in the past, and I believe  
16 during the 82nd Session, either in writing or in person,  
17 I don't recall which, that Senate Bill 14 and a photo ID  
18 requirement would have a disenfranchising impact on  
19 minority voters.

20 Q. What was the basis of his statement?

21 A. His experience as the program manager for the  
22 Carter-Baker Commission and a statistical analysis.

23 Q. Okay. Can you tell us the basis of his  
24 statistical analysis?

25 A. No, I don't recall. I just know -- I just

80

1 remember his conclusions.

2 Q. Okay. Now, you also understand the Carter-  
3 Baker Commission recommended having photo  
4 identification?

5 A. Among a number of different proposals. And I  
6 think President Carter and Secretary Baker wrote an  
7 op-ed, years later, that said that the intent of the --  
8 the recommendations of the Carter-Baker Commission could  
9 not be taken in isolation, but must be taken as a  
10 totality. And the proponents of photo ID were taking  
11 that one recommendation out of context. And that was a  
12 New York Times editorial that we distributed on the  
13 House floor.

14 Q. Okay. And we probably ought to take that  
15 editorial in context, too. We don't have it here to  
16 discuss. Let me just ask you this: Was it a finding of  
17 the Carter-Baker Commission that it would be -- that  
18 photo identification would be a good thing? Was it a  
19 recommendation?

20 A. It was a recommendation among about eight --  
21 maybe about 80 recommendations, that taken together  
22 would improve elections.

23 Q. Did you interpret the Carter-Baker Commission's  
24 recommendation about photo ID as an attempt to sell  
25 photo identification requirements on the backs of



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<p style="text-align: center;">81</p> <p>1 Latinos?</p> <p>2 A. No, because their recommendations included an</p> <p>3 expansion of the franchise, and also they recommended</p> <p>4 mechanisms by which less people would be disenfranchised</p> <p>5 if you did include a -- did include a photo ID</p> <p>6 requirement. So there were offsets to that -- to that</p> <p>7 requirement included.</p> <p>8 Q. Okay. Did you -- did you read, in the Carter-</p> <p>9 Baker report where they say, "Greater uniformity and</p> <p>10 procedures for voter registration and identification is</p> <p>11 essential to guarantee the free exercise of the vote all</p> <p>12 U.S. citizens"?</p> <p>13 A. I did.</p> <p>14 Q. Do you agree with that statement?</p> <p>15 A. I do.</p> <p>16 Q. Okay. Did you see where they indicated --</p> <p>17 A. If I can add to my last answer. I do, but I</p> <p>18 don't see that that -- the passage that you quoted to me</p> <p>19 is a -- that calls for a photo ID regime consistent with</p> <p>20 SB 14.</p> <p>21 Q. Okay. Are you familiar with their</p> <p>22 recommendation, quote, "We rejected the first option,</p> <p>23 eliminating any requirements, because we believe that</p> <p>24 citizens should identify themselves as the correct</p> <p>25 person on the registration list when they vote."</p>	<p style="text-align: center;">83</p> <p>1 and our current -- we've consistently ranked in the</p> <p>2 lowest quintile, in terms of voter participation in the</p> <p>3 state, and I think that, that requires reform.</p> <p>4 Q. It's a true statement, I think you would agree,</p> <p>5 that strengthening the integrity of the election system</p> <p>6 is an important and laudable goal?</p> <p>7 A. Yes.</p> <p>8 Q. Do you agree that ensuring that those who show</p> <p>9 up to the polls are who they say they are is a laudable</p> <p>10 goal?</p> <p>11 A. Yes.</p> <p>12 Q. So it's your opinion that photo identification</p> <p>13 is a way to decrease the impact of the minority vote?</p> <p>14 A. Yes.</p> <p>15 Q. You've told me about the testimony from</p> <p>16 Mr. Toby Moore?</p> <p>17 A. Yes.</p> <p>18 Q. Is there any other data that you have reviewed</p> <p>19 that indicates that?</p> <p>20 A. The Brennan Center on -- the Brennan Center at</p> <p>21 New York University has released studies related to the</p> <p>22 percentage of persons that are out of ID, who do not</p> <p>23 have the requisite ID to show at the polls, the</p> <p>24 requisite photo ID, I should say. And that appeared to</p> <p>25 be a very large number, and we've received testimony on</p>
<p style="text-align: center;">82</p> <p>1 A. I agree with that. And Texas has a voter ID</p> <p>2 identification standard currently.</p> <p>3 Q. It's not one that requires photo</p> <p>4 identification, though, is it?</p> <p>5 A. That's correct. But I don't believe the</p> <p>6 passage that you read --</p> <p>7 Q. Okay.</p> <p>8 A. -- speaks to the photo identification.</p> <p>9 Q. All right. Well, you understand that the</p> <p>10 Carter-Baker Commission reported that, quote, "We</p> <p>11 believe that the need for additional electoral reform is</p> <p>12 abundantly clear, and our recommendations will bolster</p> <p>13 HAVA to further strengthen public confidence in the</p> <p>14 electoral process."</p> <p>15 A. Yes.</p> <p>16 Q. Do you believe that electoral reform and the</p> <p>17 need for it was abundantly clear in the 2007 session?</p> <p>18 A. I think it continues to be abundantly clear.</p> <p>19 Q. So, and by saying that, you're saying that --</p> <p>20 what specific -- what's abundantly clear to you?</p> <p>21 A. The data related to voter participation. Texas</p> <p>22 ranks 50th amongst 50 states in voter participation.</p> <p>23 And so I do believe that election reform is necessary.</p> <p>24 It is my belief that in order to have a</p> <p>25 strong democracy, you need robust voter participation,</p>	<p style="text-align: center;">84</p> <p>1 that as well.</p> <p>2 Q. Any other testimony that you're referring to?</p> <p>3 A. Not that I recall.</p> <p>4 Q. Okay. Any other data you have reviewed?</p> <p>5 A. Not -- not that I recall.</p> <p>6 Q. Okay.</p> <p>7 A. I couldn't name it for you today.</p> <p>8 Q. So you were persuaded that the impact of photo</p> <p>9 identification requirements in impacting minorities, by</p> <p>10 the testimony or Mr. Moore and the testimony of someone</p> <p>11 from the Brennan Center, those two were persuasive to</p> <p>12 you?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. You haven't identified any other</p> <p>15 information. Is there anything else that you're relying</p> <p>16 upon?</p> <p>17 A. Yeah. I have read other scholarly studies that</p> <p>18 I just don't recall right now.</p> <p>19 Q. Okay. Let's go the ninth paragraph. Here you</p> <p>20 say, "During the Floor debate of Senate Bill 14,</p> <p>21 Representative Patricia Harless, who is Anglo, served as</p> <p>22 the bill's primary sponsor in the House, but refused to</p> <p>23 provide substantive responses to many questions posed by</p> <p>24 legislators representing minority constituents." Did I</p> <p>25 read that correctly?</p>



<p style="text-align: center;">85</p> <p>1 A. Yes.</p> <p>2 Q. First of all, you're referring to her public</p> <p>3 testimony?</p> <p>4 A. Yes.</p> <p>5 Q. And her public participation in dialogue, and</p> <p>6 is that in the committee, or is that on the Floor, or</p> <p>7 both?</p> <p>8 A. Both.</p> <p>9 Q. Now, you added that she is Anglo. Why did you</p> <p>10 put that in there?</p> <p>11 A. It describes her ethnicity.</p> <p>12 Q. I mean, but it's in an affidavit filed with the</p> <p>13 court. Why is it important that she is Anglo in that</p> <p>14 sentence?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. Who put that in there; the Department of</p> <p>17 Justice or you?</p> <p>18 A. It's probably something we discussed on the</p> <p>19 phone, but I don't recall.</p> <p>20 Q. Okay. So its importance is, to you, of no</p> <p>21 moment?</p> <p>22 A. I think it is a descriptor of her ethnicity.</p> <p>23 Q. So, you put it in there because it describes</p> <p>24 her ethnicity. I mean, you didn't say she's blonde.</p> <p>25 You didn't say that she's anything. You said she's</p>	<p style="text-align: center;">87</p> <p>1 bill?</p> <p>2 A. Yes.</p> <p>3 Q. If anybody asked about Rafael Anchia, they</p> <p>4 would know that he is opposed to photo identification,</p> <p>5 because you have been opposed in '07, '09, and '11,</p> <p>6 right?</p> <p>7 A. Opposed to House Bill 1706, House Bill 218,</p> <p>8 362, and SB 114, yes.</p> <p>9 Q. All right. So you were her opponent, and you</p> <p>10 were questioning her on the Floor of the House?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And you're saying that in that context,</p> <p>13 that she was refusing to provide substantive responses?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Can you give us a specific instance when</p> <p>16 that occurred?</p> <p>17 A. I'd have to look at the House Journal. It was</p> <p>18 very difficult to get her to answer questions. I don't</p> <p>19 know that I have that journal entry in front of me.</p> <p>20 Q. Okay.</p> <p>21 A. But when I was asking her questions at the</p> <p>22 outset of the litigation, it appeared that as though she</p> <p>23 did not want to answer direct questions and instead was</p> <p>24 referring to talking points. And I would answer -- I</p> <p>25 would ask questions on a number of different occasions</p>
<p style="text-align: center;">86</p> <p>1 Anglo?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And why is that important to put in your</p> <p>4 declaration, her race?</p> <p>5 A. I don't recall. I may have been asked question</p> <p>6 what is her ethnicity, and that was -- that might have</p> <p>7 been my response. But I don't recall exactly.</p> <p>8 Q. Okay. Now, you're saying, on the Floor, she</p> <p>9 "refused to provide substantive responses to many</p> <p>10 questions posed by legislators representing minority</p> <p>11 constituencies." Who? Who were the legislators</p> <p>12 representing minority constituencies that she refused to</p> <p>13 provide substantive responses to?</p> <p>14 A. I recall that she was evasive when I questioned</p> <p>15 her from the back microphone.</p> <p>16 Q. Okay. So you?</p> <p>17 A. So, me.</p> <p>18 Q. Okay. Who else?</p> <p>19 A. I'd have to go back and look at the Journal.</p> <p>20 At this -- at this time, I don't recall.</p> <p>21 Q. Okay. So certainly we know your testimony is</p> <p>22 that in Paragraph 9, who she's refusing to provide</p> <p>23 substantive responses to is you, right?</p> <p>24 A. Yeah. Today, that's what I remember.</p> <p>25 Q. Okay. Now, you were a known opponent of this</p>	<p style="text-align: center;">88</p> <p>1 and would not receive direct responses.</p> <p>2 Q. Okay. Now --</p> <p>3 A. That was my perception.</p> <p>4 Q. She's not the only person you've ever talked to</p> <p>5 that you didn't get direct responses from?</p> <p>6 A. No. Usually members, you know, in a debate</p> <p>7 will try to answer directly, yes.</p> <p>8 Q. Okay. Is it your testimony --</p> <p>9 A. But then she is not the only person, no.</p> <p>10 Q. Okay. Fine. I've got a 14-year-old boy.</p> <p>11 A. (Laughing.)</p> <p>12 Q. But my question is: Are you suggesting that</p> <p>13 her lack of responsiveness indicates some purposeful</p> <p>14 discrimination about Senate Bill 14?</p> <p>15 A. I think that her lack of responsiveness related</p> <p>16 to her being defensive about the impact of Senate</p> <p>17 Bill 14.</p> <p>18 Q. Okay. You interpreted her nonresponsiveness as</p> <p>19 being defensive?</p> <p>20 A. Yes.</p> <p>21 Q. Not as being -- evidencing some sort of</p> <p>22 discriminatory purpose of her bill?</p> <p>23 A. Her -- her evasiveness, I don't think -- it is</p> <p>24 difficult to infer what her -- what the motivation for</p> <p>25 her defensiveness was, but when I asked her about the</p>



<p style="text-align: center;">89</p> <p>1 impact of the bill on Hispanics and African Americans</p> <p>2 and Asians, she did not want to answer those questions.</p> <p>3 Q. You're doing -- you're interpreting how she was</p> <p>4 responding to your questions, and I'm asking you what</p> <p>5 does your interpretation, how does it inform your view</p> <p>6 on whether or not Senate Bill 14 in the House was</p> <p>7 discriminatory or not, from a discriminatory purpose?</p> <p>8 MR. GARZA: Asked and answered,</p> <p>9 objection. You can answer the question.</p> <p>10 A. Okay. My perception and what -- and my</p> <p>11 inference from her evasiveness is that she either knew</p> <p>12 but didn't want to disclose the adverse impacts on -- on</p> <p>13 minority voters, or did not want to know the adverse</p> <p>14 impacts so she wouldn't have to answer.</p> <p>15 Q. (By Mr. Sweeten) So it's either conscious</p> <p>16 indifference, the second part, or she intentionally</p> <p>17 didn't want to answer that question?</p> <p>18 A. Yeah, or -- and maybe this is covered by your</p> <p>19 first part, like a plausible deniability. So I just</p> <p>20 don't -- yeah, I don't know.</p> <p>21 Q. But --</p> <p>22 A. Because the answer would be damning.</p> <p>23 Q. You would agree with me, wouldn't you, that</p> <p>24 that is your subjective interpretation of your dialogue</p> <p>25 with her?</p>	<p style="text-align: center;">91</p> <p>1 reading from it."</p> <p>2 A. Yes.</p> <p>3 Q. Do you have a BlackBerry?</p> <p>4 A. No.</p> <p>5 Q. Do you have an iPhone?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Do you sometimes look at your iPhone on</p> <p>8 the Floor?</p> <p>9 A. On the Floor, yes, but not when I'm on the</p> <p>10 front microphone --</p> <p>11 Q. Okay.</p> <p>12 A. -- laying out a bill.</p> <p>13 Q. Have you seen other members use a BlackBerry</p> <p>14 device or an iPhone when they're on the Floor?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. What about when they're on the mic?</p> <p>17 A. It's extremely rare --</p> <p>18 Q. But it happens?</p> <p>19 A. -- from what I can tell.</p> <p>20 Q. It happens?</p> <p>21 A. I don't recall another instance of a member</p> <p>22 laying out a bill with a BlackBerry or an iPhone and</p> <p>23 periodically going to it, and what appeared to be</p> <p>24 receiving instructions or answers, and was that my</p> <p>25 perception.</p>
<p style="text-align: center;">90</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And if we want to know what was said, we</p> <p>3 would go to the record.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And you would also, wouldn't you, agree</p> <p>6 that there is certainly room for other interpretations?</p> <p>7 A. It is possible.</p> <p>8 Q. Let's go to the next paragraph. Let me just</p> <p>9 ask you: Are you saying, based upon that dialogue, that</p> <p>10 Representative Harless had a purposeful intent to</p> <p>11 discriminate against racial minorities based on that</p> <p>12 dialogue?</p> <p>13 A. I was trying -- based on that dialogue, I</p> <p>14 perceived that she was not answering questions that</p> <p>15 would have been telling about the discriminatory impact</p> <p>16 of the bill on racial and ethnic minorities. I do</p> <p>17 believe that.</p> <p>18 Q. Do you -- in saying that, are you inferring,</p> <p>19 based upon your subjective interpretation of</p> <p>20 Representative Harless's discussion with you, that she</p> <p>21 had a discriminatory purpose in pursuing this bill?</p> <p>22 A. I don't know what her purpose was.</p> <p>23 Q. Now, there's another sentence, which is,</p> <p>24 "Representative Harless had a BlackBerry or phone with</p> <p>25 her during the debate, and at times she seemed to be</p>	<p style="text-align: center;">92</p> <p>1 Q. And there's no House rule against looking at a</p> <p>2 BlackBerry?</p> <p>3 A. No, not at all.</p> <p>4 Q. There's no House rule against looking at an</p> <p>5 iPhone?</p> <p>6 A. No.</p> <p>7 Q. She wasn't in violation of any rule in doing</p> <p>8 that?</p> <p>9 A. No, I don't believe so.</p> <p>10 Q. All right. It's your interpretation that she's</p> <p>11 -- in looking at the BlackBerry, how does that in any</p> <p>12 way inform anyone's view as to whether or not this bill</p> <p>13 had a discriminatory purpose?</p> <p>14 A. What it said to me was that she was receiving</p> <p>15 some coaching from a third party.</p> <p>16 Q. Okay.</p> <p>17 A. On her answers.</p> <p>18 Q. So, do you know --</p> <p>19 A. And I guess I would add that whether -- and it</p> <p>20 was unclear to me whether she had a discriminatory</p> <p>21 purpose or whether a third party might have a</p> <p>22 discriminatory purpose, that may have been sending her</p> <p>23 e-mails. So that's why I included it, although I don't</p> <p>24 know who that was. I don't know for a fact.</p> <p>25 Q. Okay. So you're not inferring that because she</p>





<p style="text-align: center;">93</p> <p>1 was looking at a BlackBerry, that that evidences any</p> <p>2 sort of discriminatory purpose?</p> <p>3 A. No, I am not.</p> <p>4 Q. Discriminatory intent by her?</p> <p>5 A. No.</p> <p>6 Q. Nor -- okay. So your interpretation is that</p> <p>7 she's receiving information from someone while she's on</p> <p>8 the mic?</p> <p>9 A. Yes.</p> <p>10 Q. Would that be unusual for -- and let me finish.</p> <p>11 A. I'm sorry. I'm sorry.</p> <p>12 Q. Would it be unusual for a Representative or a</p> <p>13 Senator to receive information from someone when they're</p> <p>14 answering questions about a bill they're supporting?</p> <p>15 A. Yes, I believe it would be.</p> <p>16 Q. Okay. Is it the means that's unusual or -- in</p> <p>17 other words, the fact that it was a BlackBerry, or is it</p> <p>18 the fact she was receiving any sort of help?</p> <p>19 A. No, it's not unusual for people to receive help</p> <p>20 from other members on the House floor, and you do see</p> <p>21 that typically. And, in fact, I believe Representative</p> <p>22 Harless received help from other members in laying out</p> <p>23 the bill and answering questions.</p> <p>24 Q. Okay. So it's not unusual to receive</p> <p>25 assistance when you're answering questions --</p>	<p style="text-align: center;">95</p> <p>1 A. During the four sessions that I spent working</p> <p>2 on photo identification, I consulted experts and read</p> <p>3 scholarly publications that I may not recall now, but I</p> <p>4 did do quite a bit of research on it.</p> <p>5 Q. You were fairly vocal on the House floor about</p> <p>6 this bill?</p> <p>7 A. Yes.</p> <p>8 Q. You used what you had at your disposal; you</p> <p>9 expressed to it the other members of the House when you</p> <p>10 were engaged in the debate, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Would you say that there is something that you</p> <p>13 didn't express in the debate regarding the alleged</p> <p>14 disproportionate impact of this bill on racial</p> <p>15 minorities?</p> <p>16 A. I suspect I expressed it, either on the House</p> <p>17 floor or in committee, yeah.</p> <p>18 Q. Okay.</p> <p>19 A. I'm sorry. I've expressed it publicly.</p> <p>20 Q. You've been very public in your expressions</p> <p>21 about this bill. If you -- I'm asking it this way,</p> <p>22 which is: Are you saying that you've expressed in full</p> <p>23 your views in the support for you indicating that this</p> <p>24 bill has a disproportionate impact in a public</p> <p>25 statement?</p>
<p style="text-align: center;">94</p> <p>1 A. No.</p> <p>2 Q. -- from smart people like you, right? Right?</p> <p>3 A. It is not unusual to receive --</p> <p>4 Q. Okay.</p> <p>5 A. -- from others.</p> <p>6 Q. All right. It sounds like to me that it's the</p> <p>7 fact she -- your interpretation is the fact she received</p> <p>8 it digitally is unusual?</p> <p>9 A. That -- that is correct.</p> <p>10 Q. But in no way does that evidence racial animus?</p> <p>11 A. I don't -- I don't see -- it is impossible for</p> <p>12 me to discern what -- what that would evidence.</p> <p>13 Q. Okay. Paragraph 10, "On the Floor, I expressed</p> <p>14 concern that Senate Bill 14 would have a</p> <p>15 disproportionate impact on the ability of African</p> <p>16 American and Hispanic voters to participate in</p> <p>17 elections." Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. You expressed that in the -- on the House floor</p> <p>20 debate, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. We've already talked about the sources</p> <p>23 by which you had the view that this would have a</p> <p>24 discriminatory impact, correct, or are additional</p> <p>25 sources that support your view?</p>	<p style="text-align: center;">96</p> <p>1 A. I believe I have, yes.</p> <p>2 Q. Okay. Is there any other information that you</p> <p>3 have that would suggest that Patricia Harless's purpose</p> <p>4 in supporting this bill was a discriminatory one?</p> <p>5 A. No.</p> <p>6 Q. Okay. On Paragraph 10, I think we've talked</p> <p>7 about that first sentence, but the second one is, "I and</p> <p>8 a number of other representatives of African American</p> <p>9 and Hispanic constituencies repeatedly raised the</p> <p>10 concern on the Floor during the legislative debate on</p> <p>11 Senate Bill 14." And when you're saying that concern,</p> <p>12 it's the disproportionate impact of Senate Bill 14,</p> <p>13 correct?</p> <p>14 A. Yes. On minority voters, yes.</p> <p>15 Q. Okay. And we've talked about, I think, the</p> <p>16 waterfront on that issue, what you had, right? What you</p> <p>17 had at your disposal, you expressed it?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. "As a result, few, if any, members of</p> <p>20 the Texas House could have lacked knowledge of this</p> <p>21 issue." So you're saying my views, and other African</p> <p>22 American and Hispanic -- representatives of African</p> <p>23 American and Hispanic constituencies were raised during</p> <p>24 the hearings?</p> <p>25 A. Yes.</p>



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1 Q. Okay. Then you say, "As a result, few, if any,  
2 members of the Texas House could have lacked knowledge  
3 of this issue." Okay. Now, by "this issue" that means  
4 what?

5 A. The disproportionate impact -- the suggestions  
6 by African American and -- representatives of African  
7 American and Hispanic constituencies that Senate Bill 14  
8 would have a disproportionate adverse impact on minority  
9 constituencies.

10 Q. Okay. And the bill ultimately passed, all  
11 right? And I want to ask you: You understand that  
12 there was testimony for and there was testimony against  
13 the bill, and there was a -- would you agree there was  
14 full public airing of the issues on the House floor or  
15 in committee?

16 A. Over the course of -- yeah, over the course of  
17 eight years, I believe there were. Or four sessions, I  
18 should say. Not eight years. But four sessions.

19 Q. So the arguments for and the arguments against  
20 have been expressed in all those sessions?

21 A. Yes.

22 Q. There weren't hidden -- the issues for and  
23 against, they were not concealed, they were out in the  
24 open?

25 A. Yes. I will note that they did change over

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1 time.

2 Q. Right.

3 A. Your original -- during earlier sessions, the  
4 suggestion was that this bill was designed to combat  
5 voter fraud generally. And then when it was pointed out  
6 that this photo identification legislation is designed  
7 to deal with a specific type of voter fraud, then there  
8 was also a discussion about illegal immigrant voting --  
9 I shouldn't say illegal immigrant -- noncitizen voting,  
10 and that this was a way to deal with noncitizen voting.

11 And then in the 82nd legislative session,  
12 the pretext or the motivation or the reason given for  
13 this bill became integrity of elections. And then at  
14 the end of the debate, it was -- in fact, I think  
15 Representative Harless said it wasn't -- it was no  
16 longer about voter fraud. It was just about integrity  
17 of elections. And then at the end of the debate, it  
18 became about a mechanism to increase voter turnout.

19 So, I think the motivation or the  
20 ostensible reason for the bill evolved over time.

21 Q. But your view that the reasons for the bill  
22 evolved over time, is based on what?

23 A. The reasons given by the authors of the bill  
24 for the need for photo ID.

25 Q. So it's an interpretation of matters of the

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1 public record?

2 A. Yes.

3 Q. Testimony for or against and statements made by  
4 the representatives that would all be contained in the  
5 public record?

6 A. That's correct.

7 Q. And that's your opinion?

8 A. Yes.

9 Q. Okay. And you understand that many other  
10 people, just as many people supported this bill against  
11 your view, don't share that opinion?

12 A. Yes.

13 Q. Okay. You say that, quote, "The proponents of  
14 SB 14 rejected opportunities to amend the bill to  
15 respond to this concern or other criticisms of the bill  
16 raised by minority legislators." Do you know, as you're  
17 sitting here, how many amendments were offered to the  
18 bill?

19 A. I don't recall.

20 Q. Okay. Do you know if one of your amendments  
21 was accepted to the bill?

22 A. I don't think so.

23 Q. Would it surprise you if you had an amendment  
24 to the bill that was accepted?

25 A. Yeah, I guess it would surprise me.

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1 (Exhibit 7 marked for identification.)

2 A. Oh, yes.

3 Q. (By Mr. Sweeten) I have handed you what's been  
4 marked as Anchia Exhibit 7; is that right?

5 A. Yes.

6 Q. And can you tell me what Anchia Exhibit 7 is?

7 A. Yes. It relates to a duplicate license or  
8 certificate fee, and the laundry list of types of state  
9 IDs that SB 14 contained that did not require -- or that  
10 would be not charged for did not include a duplicate  
11 license or certificate. So there were two categories  
12 that were spelled out in the legislation, but they had  
13 forgotten this one, and this was a cleanup amendment to  
14 make sure that they picked up all three.

15 Q. Okay.

16 A. Because the author was unaware of this  
17 duplicate license.

18 Q. So you offered an amendment?

19 A. And it was accepted, yeah. I remember it now.

20 Q. Okay. You can put that aside.

21 A. And I'm surprised.

22 Q. There were minority members who supported this  
23 bill; is that right?

24 A. Yes.

25 Q. Okay. Can you name some of them?



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1 A. Aaron Pena. Jose Aliseda. John Garza. Dee  
 2 Margo, D-e-e, M-a-r-g-o, two words. John White. John  
 3 White? James White. Stephanie Carter.  
 4 Q. I think I asked you this, but you know how many  
 5 amendments were offered on the bill?  
 6 A. I don't. I don't remember.  
 7 Q. And it follows that you wouldn't know how many  
 8 were accepted or not?  
 9 A. That's correct.  
 10 Q. I want to ask you about Paragraph 12.  
 11 A. Okay.  
 12 Q. Actually, I'm sorry, 13. You said, "I  
 13 additionally offered an amendment to provide that SB 14  
 14 would not be implemented unless the Comptroller  
 15 certified that the changes made by the legislation would  
 16 not reduce the revenue made available to the Texas  
 17 Mobility Fund, as well as an amendment to provide that  
 18 SB 14 would not be implemented unless a specific  
 19 appropriation were provided in a general appropriations  
 20 act of the 82nd Legislature." Did I read that  
 21 correctly?  
 22 A. Yes.  
 23 Q. Was there an appropriation for this bill?  
 24 A. I don't recall.  
 25 Q. Okay. Paragraph 14 says, "Proponents of SB 14

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1 tabled all four of these amendments with little debate."  
 2 A. Correct.  
 3 Q. You wrote that in your declaration, correct?  
 4 A. Yes.  
 5 Q. Okay. Now, you didn't add that there was an  
 6 amendment that you had provided that was accepted,  
 7 right?  
 8 A. I had forgotten, yes.  
 9 Q. Okay. So were there a total of five amendments  
 10 that you offered?  
 11 A. I don't recall.  
 12 Q. Was the amendment that we just went through  
 13 that you offered and that was accepted and added to the  
 14 bill, was that accepted with little debate?  
 15 A. Yes, I believe -- I believe there was not much  
 16 debate on that amendment.  
 17 Q. Okay. Now, you say, in Paragraph 15, "I am  
 18 opposed to Senate Bill 14 and voted against its passage  
 19 largely because I believe, based in part on the  
 20 testimony in the record, that it will harm minority  
 21 voters and limit their ability to participate in  
 22 elections." Did I read that correctly?  
 23 A. Yes.  
 24 Q. That's a view that you expressed during the  
 25 legislative session on the Floor?

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1 A. Yes.  
 2 Q. In committee?  
 3 A. Yes.  
 4 Q. And, in fact, while we're talking about  
 5 committee, you were not on the Select Committee, right?  
 6 A. Yes.  
 7 Q. Okay. But I had noted that allowed to -- that  
 8 you spoke at the committee hearing?  
 9 A. I participated in the committee, yes.  
 10 Q. And whose discretion is it to allow you to  
 11 question if you're not on a committee?  
 12 A. I imagine the chairman of the committee.  
 13 Q. So you weren't prohibited from -- even though  
 14 not -- you weren't a committee member of the Select  
 15 Committee, you weren't in any way prohibited from  
 16 participating in the discussion?  
 17 A. I think that is -- that is a courtesy that is  
 18 afforded to committee members on all committees.  
 19 Q. And needless to say, it was a courtesy afforded  
 20 to you for the Select Committee?  
 21 A. On this committee, correct. And I believe it  
 22 was -- the invitation was made that anybody who wanted  
 23 to participate there could, so...  
 24 Q. And you took them on that?  
 25 A. I did.

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1 Q. And they allowed that to go on.  
 2 A. Yes.  
 3 Q. Okay. And who was the chair?  
 4 A. Chairman Bonnen, B-o-n-n-e-n.  
 5 Q. And he is a Republican, right?  
 6 A. He is.  
 7 Q. Okay. Now, in this sentence you say, "Largely  
 8 because I believe, based in part on the testimony of the  
 9 record, that it will harm minority voters and limit  
 10 their ability to participate in elections."  
 11 Okay. So here we're talking -- and tell  
 12 me if I'm wrong. But here we're talking about a  
 13 discriminatory effect of the bill; is that right?  
 14 A. Yes, I believe this speaks to my views on the  
 15 discriminatory effect of the bill.  
 16 Q. Okay. We're not here talking about the  
 17 discriminatory purpose that you have alleged  
 18 previously. We're talking about the effect?  
 19 A. Yes.  
 20 Q. Okay. Now, I don't want to beat a dead horse.  
 21 But you have told me all the bases for why you believe  
 22 that there's a discriminatory effect. We've talked  
 23 about that. You've provided testimony on that issue,  
 24 right?  
 25 A. Yes.



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1 Q. All right. I just want to make sure there's  
2 nothing else that we haven't discussed -- that we  
3 haven't discussed thus far on the discriminatory effect  
4 on this bill?

5 A. Yes.

6 Q. All right. Paragraph 16 you say, "The 82nd  
7 legislature had the tensest racial climate of any  
8 session in which I have served."

9 A. Yes.

10 Q. Can you -- now, below you say, "Debates  
11 concerning redistricting, the Sanctuary Cities bill,  
12 which would have allowed Texas peace officers to  
13 investigate the immigration status of individuals who  
14 are arrested or lawfully detained were characterized by  
15 thinly-veiled hostility of Texas's growing Hispanic  
16 population." Did I read that correctly?

17 A. Yes.

18 Q. Now, this -- let me just ask you: What  
19 happened with this Sanctuary Cities bill?

20 A. It was ultimately defeated in a special  
21 session. But versions of it passed both the House and  
22 Senate. And I think it wasn't defeated. It died in  
23 conference committee, as far as I can tell or recall.

24 Q. Okay. So, the topic sentence of 16 talks about  
25 the tensest racial climate. The second sentence talks

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1 about that there were -- basically it refers to three  
2 legislative initiatives: Redistricting, Sanctuary  
3 Cities bill -- actually, it was just those two.

4 A. Two, yeah.

5 Q. Okay. Are those the reasons, those two bills  
6 the reasons that you felt that the 82nd Legislature was  
7 the tensest racial climate you've been through?

8 A. Yes.

9 Q. So, it is because the topic of those two pieces  
10 of legislation is what leads you to your belief that  
11 that was the tensest racial climate of any session,  
12 correct?

13 A. Yes. Those are among the two reasons, yeah.

14 Q. And, what -- well, they're among the two. I  
15 need to know the -- what are the reasons for why it was  
16 the tensest racial climate, in your view?

17 A. Yeah. Those two bills, other immigration-  
18 related legislation that was filed, I think, gave rise  
19 to -- to that feeling.

20 Q. Which bill is that?

21 A. There were a number of them that were -- there  
22 were probably a couple dozen that were filed -- that  
23 were filed. And then, I mean, the backdrop of this  
24 session, on the run-up to the session, you would hear,  
25 in campaigns, immigration, the immigration issue brought

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1 up quite a bit. And I think that, on a lead-up to the  
2 -- to the session, the rhetoric around immigration  
3 seemed to be pretty hostile.

4 Q. So, you've referred to some legislative  
5 matters, and that you're saying the rhetoric around the  
6 issue, correct?

7 A. Around the immigration issue, yeah.

8 Q. Okay. Is that the rhetoric around the bill?

9 A. Around -- well, typically, it was during --

10 during election cycles, people on the run-up to the  
11 legislative session, there was a lot of discussion on  
12 immigration-related issues. I had seen mailers that had  
13 been dropped against certain candidates that were  
14 immigration related that had Spanish -- or that had  
15 Hispanic persons depicted in them. And it was -- so I  
16 considered it pretty -- pretty hostile.

17 And then as we led into the session, there  
18 were a number of anti-immigrant bills filed, and there  
19 were rallies where criticisms were made of Hispanic  
20 legislators who got a lot of hate mail, you know, on  
21 immigration-related issues. When I spoke against the  
22 Sanctuary Cities legislation, that video was -- excerpts  
23 of that video was posted on YouTube, and there was a lot  
24 of really -- there were, I think, hateful things said  
25 there. So I think the cumulative impact of all these

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1 things created a pretty tense environment.

2 Q. Okay. So let's talk about the rhetoric, and I  
3 want to make sure I've got it all. You said that there  
4 was lot of rhetoric around these issues outside of the  
5 committee and process; is that right?

6 A. Yeah. Yes, sir.

7 Q. What is -- can you give me a sense of what that  
8 rhetoric you're referring to was?

9 A. The essence -- and, you know, I can't give you  
10 specific examples of this at this time. But the essence  
11 was that the growth in the Hispanic population is driven  
12 by illegal immigration, and that, you know, we needed to  
13 do something at the state level to deal with this, and  
14 it manifested itself in different pieces of immigration-  
15 related legislation. And then different candidates --  
16 you got the sense that different candidates were being  
17 attacked for their positions related to immigration, and  
18 which usually meant Hispanic immigration.

19 Q. You said that you couldn't refer to specific  
20 instances of this rhetoric.

21 A. Yeah.

22 Q. Okay. Is it fair -- and then you did mention  
23 something about a Spanish language newspaper?

24 A. No. It was a mailer that was dropped against a  
25 colleague in the House that somebody sent to me that



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1 showed Hispanic gang members and, you know, Hispanics  
2 holding somebody up in their kitchen, and it was  
3 pretty -- it was pretty provocative. I don't know where  
4 that mailer is now, but it made -- it made a big impact  
5 on me.

6 Q. Who sent the mailer?

7 A. I don't recall. I don't recall. And I don't  
8 think there was a disclaimer on it. I mean, it just...

9 Q. Was a legislator involved in sending that?

10 A. I couldn't tell. I don't know.

11 Q. And it was sent about who in particular?

12 A. I can't remember the candidate, but --

13 Q. Do you have a copy?

14 A. No, I don't.

15 Q. Okay. But you saw a mailer that you thought  
16 looked like it was racially offensive?

17 A. Yes.

18 Q. Because it had pictures of a Hispanic  
19 legislator with gang members around him?

20 A. No. I don't -- no, it's just Hispanic gang  
21 members or, you know, ostensibly criminals, so you  
22 couldn't tell. You know, in one picture, it really did  
23 look like gang members, and there was three pictures.  
24 And another picture, there was -- I want to say a DEA  
25 agent or an ICE agent handcuffing people and putting

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1 them in a van. And then the final picture was what  
2 appeared to be a couple being held at shotgun point by  
3 two Latinos.

4 Q. Okay. Where did you see this?

5 A. It got e-mailed to me, I want to say.

6 Q. And who -- a constituent e-mailed it?

7 A. I don't remember.

8 Q. And it referenced some --

9 A. A race. Yeah, a race. I don't remember if it  
10 was legislative race or not, but yeah.

11 Q. Oh, it was about candidates?

12 A. Yes.

13 Q. And you don't remember which candidates?

14 A. No, I don't recall.

15 Q. Okay.

16 A. I could -- I could dig a little bit and try to  
17 remember.

18 Q. You don't know where it originated?

19 A. No.

20 Q. Okay. It was just something you saw in 2011?

21 A. Yes. I believe in 2011, yes, sir.

22 Q. What other evidence, outside of the actual  
23 legislative process, did you see of a racially-tense  
24 climate?

25 A. I saw a video of a Tea Party rally on the

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1 Capitol steps, where there was a suggestion that the  
2 reason we couldn't move -- or the reason that certain  
3 legislation didn't move is because we had too many  
4 Hispanic legislators.

5 Q. Who uttered those statements?

6 A. I don't know.

7 Q. Was the legislator even there?

8 A. I don't know.

9 Q. Anything involving the legislature that you  
10 felt like lent itself a racially-intense climate?

11 A. The bills that were filed, I think. And  
12 especially these two bills. I think these are -- you  
13 know, I think touch points or --

14 Q. Okay. And I just want to get clear in my mind,  
15 but what I'm hearing you say is, there were a couple of  
16 instances of rhetoric that didn't involve legislators,  
17 and then there were a couple of bills. Is there  
18 anything else that you think that -- and we'll talk  
19 about the bills.

20 A. Yeah.

21 Q. Is there anything else that you think lent  
22 itself to a tense racial climate?

23 MR. GARZA: I don't think those are the  
24 only things that he mentioned, but anyway.

25 Q. (By Mr. Sweeten) But if there's something else?

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1 A. At this -- at this time, I don't -- I don't  
2 know that I have anything else.

3 Q. Okay. And so you think the Sanctuary Cities  
4 bill was -- which didn't pass, by the way, right?

5 A. That is correct.

6 Q. Okay. You think the Sanctuary Cities bill had  
7 -- was evidenced racial tension?

8 A. Yes.

9 Q. Okay. And you think redistricting evidenced  
10 racial tension?

11 A. Yes.

12 Q. Is there anything else that you believe  
13 contributed to a tense racial climate that we haven't  
14 discussed?

15 A. Not that I recall at this time.

16 Q. Okay. And the Sanctuary Cities bill, was it  
17 brought to a vote at the House?

18 A. Yes.

19 Q. How many did it -- what was the vote; do you  
20 recall?

21 A. I don't recall.

22 Q. But it lost, so somewhere over --

23 A. The Sanctuary Cities bill, I think, passed.

24 Q. Okay. And then what happened to it afterwards?

25 A. It went to the Senate.





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1 Q. Okay. And did it pass the Senate?

2 A. Not the -- not the House bill. There was a  
3 separate Sanctuary Cities bill that the Senate passed  
4 and sent over to the House.

5 Q. Okay. And then what happened with that bill?

6 A. I don't recall, but I don't think it got a vote  
7 in the House.

8 Q. Okay. So for whatever reason, it did not  
9 become law?

10 A. Yes, that is correct.

11 Q. Okay. The Senate voted on a different bill  
12 than the House had voted for?

13 A. That is my recollection, yes.

14 Q. Okay. Okay. So, Paragraph 17, you say, "Based  
15 on the history of photo identification bills in Texas,  
16 the comments made about the bills, the procedures  
17 employed to enact Senate Bill 14, and the likely impact  
18 of Senate Bill 14 on minority voters, I believe Senate  
19 Bill 14 was passed, at least in part, with racially-  
20 discriminatory intent." So I want to exam you on some  
21 of these statements.

22 A. Yes.

23 Q. The first is: Comments made about the  
24 bills. Have we discussed -- we talked about the  
25 comments made in other sessions. What are the comments

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1 made about Senate Bill 14 that lead you to believe that  
2 Senate Bill 14 was passed, at least in part, with  
3 racially-discriminatory intent?

4 A. It was mainly things that I heard in the  
5 committee that would be public record.

6 Q. Okay. So if we were -- if we want to look and  
7 say, "This is what Representative Anchia thinks  
8 evidences racially-discriminatory intent," we would look  
9 to the public record from 2011, right?

10 A. Yes, specifically committee hearings.

11 Q. And there's not anything else outside of that,  
12 that we would look at?

13 A. Not that I recall.

14 Q. Okay. Then you say, "The procedures employed  
15 to enact Senate Bill 14." What procedures, in your  
16 view, evidenced that Senate Bill 14 was passed, at least  
17 in part, with racially-discriminatory intent?

18 A. Well, there were a couple of rules that --

19 Q. Did you say "rules"?

20 A. Rules. I'm sorry. Rules that were changed.

21 The two-thirds rule in the Senate, I thought, was  
22 unusual. It had occurred one time before on the photo  
23 ID legislation in 2009, as far as I recall. The  
24 creation of the Select Committee I thought was unusual  
25 and a different -- a different tactic.

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1 The fact that in the conference committee,  
2 a new ID was created and the legislature had to go  
3 outside the bounds for this new ID, was also very  
4 unusual. I think the procedure differed from a typical  
5 procedure on a bill.

6 Q. What are select committees? What is the  
7 purpose of a select committee?

8 A. From my experience, select committees are  
9 usually convened in the interim to study an issue and  
10 make recommendations to the legislature.

11 Q. Okay. So you're not -- you're not opposed to  
12 the concept of a select committee because you sit on  
13 one?

14 A. Right.

15 Q. Okay. You're not opposed to a select committee  
16 being convened?

17 A. No.

18 Q. So what is it about the select committee that  
19 leads you to believe that that was, quote, "in part,  
20 passed with a racially-discriminatory intent"?

21 A. I think the select committee being convened  
22 during the session to hear one bill was extremely  
23 unusual, and it was designed to, I think, speed the  
24 process along, and the result of that bill, in my view,  
25 is a discriminatory effect.

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1 Q. Okay.

2 A. So, I have not seen, during my four sessions in  
3 the legislature, the creation of a select committee to  
4 deal with just one bill.

5 Q. Okay. But you testified it's to speed the bill  
6 along is what you testified that you believe the reason  
7 for the select committee?

8 A. Uh-huh.

9 Q. Is that right?

10 A. Yeah. Yes, sir.

11 Q. And certainly not a motivation that you're  
12 unfamiliar with, right?

13 A. Certainly.

14 Q. You like to speed your legislation along so it  
15 gets passed?

16 A. Although I've never received a select committee  
17 to hear just one of my bills. I'd like that very much.

18 Q. Okay. How long have you been in the House?

19 A. Four regular sessions and four special  
20 sessions.

21 Q. Okay. Have Democrats had control of the  
22 House? Did they have it in '05?

23 A. No.

24 Q. '07?

25 A. No.



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1 Q. '09?

2 A. No.

3 Q. '11?

4 A. No.

5 Q. Okay. Let's talk the two-thirds rule. You're  
6 talking about the two-thirds rule in the Senate?

7 A. In the Senate.

8 Q. Okay. So this is not -- when you're talking  
9 about the two-thirds rule, you're -- and let me make  
10 sure I'm clear. You're saying that the use of the  
11 two-thirds rule was, in part, used for racially-  
12 discriminatory intent; is that right?13 A. I think the -- the two-thirds rule was used to  
14 move the bill -- a bill along that would have the effect  
15 of discriminating against minority voters.16 Q. So you don't have a problem with the procedure  
17 of the two-thirds rule being -- what's the term?

18 A. Suspended? Waived?

19 Q. Yeah. You don't have a problem with the  
20 two-thirds rule being suspended?21 A. I do, yes, because I think the two-thirds rule  
22 is in place in order to protect minority rights, and  
23 those minorities rights can be racial or ethnic  
24 minorities where they can be minority views in the  
25 legislature generally. They can be rural versus urban

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1 views. They can be North Texas versus South Texas. And  
2 they can be partisan views. But the two-thirds rule is  
3 designed to protect minority positions in the  
4 legislature.

5 Q. Okay. But --

6 A. So -- I'm sorry.

7 Q. Go ahead, no, finish.

8 A. So I believe a waiver of that rule is extremely  
9 unusual, and I think it is not appropriate.

10 Q. How unusual is it?

11 A. Very.

12 Q. Okay.

13 A. I don't think it -- I think it -- my  
14 understanding is that it's been only done once before,  
15 or maybe twice before the last 50 years. It could be  
16 more.

17 Q. It was done in '09?

18 A. For photo ID.

19 Q. But in '09?

20 A. Yes.

21 Q. The two-thirds rule was suspended?

22 A. Yes, for the same issue.

23 Q. It was done in '11?

24 A. Yes.

25 Q. Are you familiar with whether or not --

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1 Lieutenant Governor Bullock, it was done under his  
2 administration?

3 A. I'm not familiar with that.

4 Q. Would that change your view, if you were to  
5 learn that Lieutenant Governor Bullock, under his --  
6 when he was the lieutenant governor, he suspended the  
7 two-thirds rule, would that?8 A. It would likely not change my view. The  
9 frequency of the suspension of the rule might change my  
10 view. It is my understanding that the view was -- or  
11 that the rule is waived infrequently, and based on my  
12 experience -- and just four sessions in the legislature,  
13 granted, the legislature has been around a lot longer  
14 than me -- but that is -- that is extremely unusual.

15 Q. Lieutenant Governor Bullock was of what party?

16 A. He was a Democrat.

17 Q. Okay. What about Lieutenant Governor Hobby;  
18 are you familiar with --

19 A. A Democrat.

20 Q. Okay. And are you familiar with whether the  
21 two-thirds rule was in any way suspended?

22 A. I am not -- I am not familiar.

23 Q. Do you know how long it's been around?

24 A. Over a hundred years. Maybe 140 years, in that  
25 ballpark.

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1 Q. You're familiar with the concept that each  
2 session, the Senate sets the new Senate rules, right?

3 A. Yes. Yes.

4 Q. Those are not always the same?

5 A. No, that is correct.

6 Q. That is not even a rule. What you're saying,  
7 the two-thirds rule is not even a rule. It's a  
8 tradition, you're saying, or is it a rule?9 A. I have been under the impression that it is a  
10 -- it is either a rule or tradition.11 Q. But the 83rd Legislative Session, the Senate  
12 will come and adopt what rules they think that they want  
13 to operate under, right?

14 A. Yes, that is correct.

15 Q. They have absolute right to change the  
16 parliamentary rules as it relates to the two-thirds  
17 rule, correct?

18 A. They do.

19 Q. It's not illegal the two-thirds rule being  
20 changed; it's something you're just saying doesn't  
21 happen a lot?

22 A. That is correct.

23 Q. You're not saying it invalidates the  
24 legislation?

25 A. No, I'm saying that.



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1 Q. It's purely up to the Senate that's sitting in  
2 any given session, correct?

3 A. That is correct.

4 MR. SWEETEN: Let's take a quick break.  
5 (Recess from 4:25 p.m. to 4:34 p.m.)

6 Q. (By Mr. Sweeten) Prior to the break, we were  
7 talking about the two-thirds rule, and this is in -- let  
8 me just bring you back to the context.

9 In Paragraph 17, you talked about the  
10 procedures employed to enact Senate Bill 14. And then  
11 the last part of the statement says, "Was passed, at  
12 least in part, with racially-discriminatory intent."

13 Have you testified to all the reasons you  
14 believe the Select Committee was a procedure that was --  
15 in part, had racially-discriminatory intent to it?

16 A. I believe so.

17 Q. Okay. Let's go back to the two-thirds rule,  
18 and I want to you ask: Do House bills -- if a Senate  
19 bill is passed and comes to over to the House and you  
20 want to amend a piece of legislation to the Senate  
21 bill -- first of all, you've done that before?

22 A. Yes.

23 Q. Okay. And when you do it, it doesn't go back  
24 to the Senate for a full vote and require a two-thirds  
25 vote, correct?

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1 A. That is correct.

2 Q. Okay. So, in the instance where a House member  
3 amends a Senate bill, adding their legislation to the  
4 Senate bill, that's an instance where you don't have a  
5 two-thirds vote of the Senate as to that provision,  
6 correct?

7 A. I believe that is correct.

8 Q. Okay. And in fact what happens is, once the  
9 House bill amends the Senate bill, it goes to conference  
10 committee after that point, and you are not on a  
11 two-thirds rule in that instance, correct?

12 A. That is correct.

13 Q. And you've utilized that procedure for -- on  
14 bills that you have wanted to get passed, you have used  
15 that procedure?

16 A. Yes.

17 Q. In other words, you've gone around the  
18 two-thirds rule to get your bill, gone around the Senate  
19 two-thirds rule yourself, to get your own bill passed in  
20 that instance?

21 A. Through an amendment strategy?

22 Q. Uh-huh.

23 A. Yes.

24 Q. Is there anything discriminatory about the  
25 times you have done it?

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1 A. No.

2 Q. Okay. I'm going to ask you about chubbing. In  
3 2009, were you -- well, let me find the questions. Tell  
4 the court, what is chubbing?

5 A. My understanding that chubbing is the  
6 equivalent of a filibuster, where members will ask  
7 questions of bill authors in order to run out the clock  
8 on a particular legislative session, or, I shouldn't say  
9 session, but run out the clock during the period which  
10 bills may be considered on the House floor.

11 Q. Okay. And that's just the local calendar  
12 matters, right, local matters?

13 A. Correct.

14 Q. Did you engage in chubbing during the House  
15 calendar of -- during 2009, that session?

16 A. I don't believe I did.

17 Q. Was chubbing -- did chubbing occur during that  
18 time?

19 A. It's difficult to tell whether chubbing  
20 occurred or not. I suspect, my gut instinct is that  
21 some members of the legislature were filibustering photo  
22 ID legislation.

23 Q. Okay. What is the purpose of chubbing?

24 A. To kill a bill.

25 Q. Okay. Now, in 2011, there was an amendment to

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1 the House rule to limit the practice of chubbing; is  
2 that correct?

3 A. That's my understanding, yes.

4 Q. Okay. And you supported that rule change?

5 A. I don't recall.

6 Q. Okay.

7 (Exhibit 8 marked for identification.)

8 Q. (By Mr. Sweeten) So I want to turn your  
9 attention to page 173 of the -- by the way, can you just  
10 identify for the record what this document is, Anchia 8  
11 is?

12 A. Anchia 8 appears to be the House Journal of the  
13 82nd Legislature, Regular Session, proceedings on the  
14 7th day Monday, January 24th, 2011.

15 Q. Thank you. Can you turn to Page 173 of the  
16 House journal, please. You have a shortened version of  
17 that. It's the first page after --

18 A. Thank you.

19 Q. And I'm pointing in particular to the very last  
20 paragraph. If you would just read that to yourself.  
21 You don't have to read it out loud.

22 A. (Reviewing document.)

23 Q. So that -- what I've handed to you relates to  
24 House Bill 4, correct, House Resolution 4?

25 A. Yes.



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1 Q. And House Resolution 4 was to eliminate the  
2 chubbing procedure for that session, correct?

3 A. I believe House Bill 4 was the entirety of the  
4 House rules. And contained within the entirety of the  
5 House rules, there was -- I believe there was this  
6 provision that you're referring to at the bottom  
7 paragraph of page 173.

8 Q. Okay. And thank you for the clarification.

9 So you're saying that as part of the  
10 overall House Resolution 4, part of it was the provision  
11 on chubbing, which eliminates chubbing for that session,  
12 right?

13 A. And I'm not trying to split hairs, but I  
14 believe that this deals exclusively with chubbing  
15 related to the local and consent calendar, which is how  
16 the filibuster in 2009 occurred. But I believe chubbing  
17 would be available as -- even under these House rules,  
18 as you got close to the end of a -- of the last day for  
19 bills to be considered on the House floor.

20 Q. Okay.

21 A. But with respect to the local and consent  
22 calendar, that is correct.

23 Q. So what had happened in 2009 was, there was  
24 chubbing taking place as to the local calendar?

25 A. That is correct.

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1 Q. All right. This House Resolution 4 eliminates  
2 that for the 2011 session, correct?

3 A. I believe that is right.

4 Q. And how did you vote on that? If you could  
5 turn to Page 232.

6 A. I believe I was "No." On Page 232, I was  
7 "Nay."

8 Q. Okay. The final vote of the resolution is at  
9 the bottom of 232. Do you see that, where it says,  
10 "HR 4 as amended was adopted by Record 30 -- 143 Yeas,  
11 zero Nays."

12 A. Yes, I do see that.

13 Q. Okay. And on the next page, it shows who the  
14 Yeas were.

15 A. I'm sorry. I see it now.

16 Q. Okay.

17 A. Yes. I was looking at the wrong page.

18 Q. That's okay.

19 A. It looks as if I voted "Yea."

20 Q. Okay. So you voted "Yea" for a House  
21 resolution that eliminated chubbing on the local  
22 calendar for the 2011 session?

23 A. That is correct.

24 Q. Okay. Now, I want to go back. We were talking  
25 about procedures when I moved you to chubbing, so let's

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1 go back to the procedures that you've identified -- or  
2 that you allude to in Paragraph 17 that you think were  
3 utilized and that showed that SB 14 was passed, at least  
4 in part, with racially-discriminatory intent. Okay?  
5 Are you with me?

6 A. Yes.

7 Q. Okay. So we've talked about the two-thirds  
8 rule. We've talked about the Select Committee. Now,  
9 you said something about an outside of the bounds  
10 resolution?

11 A. Yes.

12 Q. Can you tell me what you mean by that?

13 A. Well, we pointed out, during the Floor debate,  
14 that paying for free IDs by hitting the Texas Mobility  
15 Fund -- by "hitting it," we mean by charging the Texas  
16 Mobility Fund -- might be violative of bond covenants  
17 for the Texas Mobility Fund and how we raise money for  
18 -- raise money to build roads through long-term  
19 indebtedness. And I think we tried to deal with that on  
20 the House floor, and it was -- we were unsuccessful.

21 And then in conference committee, it was  
22 my recollection that the new ID -- or the ID regime that  
23 was originally in Senate Bill 4, as it passed the House  
24 and the Senate was eliminated, and the revenue stream to  
25 pay for it was eliminated, and a new ID and revenue

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1 stream was substituted in conference committee.

2 And I seem to recall that I objected to  
3 that. And because that was a completely new issue, that  
4 it required a resolution by the House to go outside of  
5 the bounds, which means that is what -- that is a  
6 legislative maneuver to -- or legislative motion that is  
7 made to -- to change things in conference committee is  
8 probably the easiest way to describe it. I'm sorry I  
9 wasn't more artful.

10 Q. No, no. That's fine. But it sounds to me like  
11 this related to a funding issue. Funding of what?

12 A. And of an ID.

13 Q. Funding of a --

14 A. Of an ID that a person under certain -- a  
15 strict set of circumstances could go in and receive for  
16 free.

17 Q. Okay. What specifically was the change?

18 A. That the funding for this was no longer coming  
19 out of the Texas Mobility Fund, and that my recollection  
20 was -- and without looking at it, it would be tough to  
21 say -- but my recollection was that a new form of ID was  
22 created by the conference committee. So it was -- and  
23 I'm sorry. But it was a funding issue, yes, but it also  
24 related to the form of ID, a form of free ID.

25 Q. And what form of ID are you talking about?



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- 1 A. I don't remember, but different than the ID as  
2 were included in Senate Bill 14 as it came out of the  
3 House and the Senate.  
4 Q. Okay. And the funding source was changed to  
5 what?  
6 A. I don't recall, but it was changed out of the  
7 Texas Mobility Fund.  
8 Q. So it no longer came from the Texas Mobility  
9 Fund, but came from another source?  
10 A. Yes, sir.  
11 Q. Okay. So the funding source change, and you're  
12 saying -- is it your testimony here today that out of  
13 conference committee, there was an ID added to Senate  
14 Bill 14?  
15 A. Substituted. I think there was an ID  
16 substituted for those that were previously -- my  
17 recollection is, that there was a new form of ID that  
18 was substituted in to the conference committee or by the  
19 conference committee in to the legislation. That's my  
20 best recollection.  
21 Q. Okay. How often do outside of the bounds  
22 resolutions -- or resolutions, how often do they occur?  
23 A. I'm not sure, but it doesn't occur often, from  
24 my experience. Again, only four sessions, but in my  
25 experience, it does not occur frequently.

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- 1 Q. Okay. Can you think of other instances where  
2 that's occurred?  
3 A. I know that it has occurred during my four  
4 sessions, but I can't think of specific instances.  
5 Q. Okay. Have you ever called a point of order on  
6 a bill?  
7 A. Yes.  
8 Q. When did you do that?  
9 A. I can't remember. It's been more than once.  
10 Q. Okay. When is a point of order typically used  
11 during a legislative session?  
12 A. When there is a violation of the House rules or  
13 the Constitution.  
14 Q. Did you call a point of order on the voter ID  
15 bill?  
16 A. I believe I did on that, yes.  
17 Q. Okay. In what instance?  
18 A. I believe I called a point of order related to  
19 the constitutionality of the revenue stream from the  
20 Texas Mobility Fund, so this very same funding issue  
21 that we just discussed. I read the use of that Mobility  
22 Fund as being unconstitutional. But my point of order  
23 was overruled. It was not sustained.  
24 Q. Any other points of order that you raised?  
25 A. It's possible, but I don't recall.

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- 1 Q. As a general matter, it's true that House rules  
2 can be used to both to expedite a bill, as in the  
3 suspension of a five-day posting rule, as well as to  
4 kill a bill?  
5 A. Oh, yes.  
6 Q. Can be used to delay a bill?  
7 A. Yes.  
8 Q. And that's not unusual?  
9 A. To delay a bill? No.  
10 Q. Okay.  
11 A. Using the House rules, no, that is not unusual.  
12 Q. I want to talk about Senate Bill 14 in the  
13 Senate, first of all. That was heard -- I imagine you  
14 had your own work going on in the House, so were you a  
15 person that -- were you involved at all in the Senate  
16 proceedings?  
17 A. I watched some of it, but a very small  
18 fraction.  
19 Q. Okay. And you watched the proceedings there?  
20 A. Either in the Senate chambers or on TV.  
21 Q. Okay. And is there any -- you haven't talked  
22 about it other than in the context of the two-thirds  
23 rule. Is there anything that you saw with respect to  
24 the Senate bill that was heard in the Senate that you  
25 believe -- that you haven't testified to so far that you

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- 1 believe shows a discriminatory intent or purpose?  
2 A. No.  
3 Q. Okay. Have we talked about all of the  
4 procedural issues that you believe evidenced that Senate  
5 Bill 14 was passed, at least in part, with a racially-  
6 discriminatory intent? Have we covered those here?  
7 A. Yes, sir.  
8 Q. Okay. Are there any other procedural issues  
9 that you believe evidence that?  
10 A. Not that I recall at this time.  
11 Q. Now, we've talked about why you believe that  
12 the bill has a racially-discriminatory effect.  
13 A. Yes.  
14 Q. Are there additional reasons other than what  
15 we've discussed that you believe evidence a  
16 discriminatory purpose of this bill?  
17 A. I just want to make sure I understand. The  
18 lead into the question was related to effect, and the  
19 second part of the question was related to purpose?  
20 Q. Yes, and I can break them up if it's a problem.  
21 A. No. No.  
22 Q. All right.  
23 A. So, I'm sorry. Can you restate the question?  
24 I confused myself.  
25 Q. No problem. No problem.



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1 We've discussed at length your belief as  
2 to why you believe that this had a discriminatory  
3 effect. Is there anything else that we haven't covered  
4 today that lends to that belief you have?

5 A. No. I think we've covered most of it, yeah.

6 Q. Now, I want to go back to discriminatory  
7 purpose. We've gone through your affidavit. We have  
8 gone through some testimony that you've had about  
9 certain individuals. Is there anything else that you  
10 believe evidences a discriminatory purpose of this bill  
11 other than what you've testified to?

12 A. Not that I recall at this time.

13 Q. Okay. Okay. We're going to mark this as  
14 Anchia Exhibit 9.

15 (Exhibit 9 marked for identification.)

16 Q. (By Mr. Sweeten) Okay. I'm going to ask you to  
17 turn to page 4054, which shows the yeas as to Senate  
18 Bill 14, and adoption of the conference committee  
19 report.

20 A. 4054?

21 Q. Yes, sir.

22 A. Okay.

23 Q. Are you there?

24 A. I'm on page 4054.

25 Q. Take your time to orient yourself, and I'll ask

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1 you a few questions about it.

2 A. Okay.

3 Q. Okay.

4 A. Now, if you can walk me through what I'm  
5 looking here. Senate Bill 14, Adoption of Conference  
6 Committee Report. Okay. I'm oriented.

7 Q. Okay. So here we have the adoption of the  
8 conference committee report. So on the bottom of 4054  
9 is where it starts. And here, "Representative Harless  
10 submitted the conference committee report on Senate  
11 Bill 14. She moved to adopt the conference committee  
12 report on SB 14. The motion to adopt the conference  
13 committee report on SB 14 prevailed by 98 to 46."

14 First, did I read that correctly?

15 A. Yes, sir.

16 Q. So, you, on this, voted, show as a nay?

17 A. Yes, sir.

18 Q. So you voted against there. And the  
19 individuals that are yea are the individuals within the  
20 House of Representatives that voted for this bill,  
21 correct?

22 A. Yes.

23 Q. I want to ask you to circle on this which one  
24 of these legislators had a discriminatory purpose in  
25 passing Senate Bill 14.

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1 A. I don't know.

2 Q. Okay. Senate Bill 14 provided for the free  
3 identification within the bill, correct?

4 A. Yes.

5 Q. It allows any citizen that wants to vote to get  
6 a free identification from the Department of Public  
7 Safety. Is that what it says?

8 A. Yes, provided they did certain things.

9 Q. Provided they did what?

10 A. They had to fill out an affidavit. They could  
11 state a religious objection, and I think the affidavit  
12 related to indigency. And I seem to recall there was a  
13 cure period, when you had to come back and issue the  
14 affidavit related to religious objection or indigency.  
15 So you had to actually go to the DPS -- excuse me. That  
16 was to cure a vote.

17 Q. Uh-huh.

18 A. A provisional ballot. But I'm trying to  
19 remember how that worked. So I don't recall exactly  
20 what the mechanisms were.

21 Q. Okay.

22 A. But you didn't get a -- I recall you had to do  
23 a couple of different things before you got a free ID.

24 Q. Okay. And I think you're talking about -- some  
25 of this has been about the religious exemption portion.

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1 A. I think there was a religious exemption where  
2 your religion didn't permit you to have a photograph  
3 taken or something like that.

4 Q. Okay. I would assume that your opinion it's a  
5 tiny fraction of the individuals who would --

6 A. Yes, sir.

7 Q. Okay. So the free -- in order for someone of  
8 limited means to get a free identification, what is it  
9 they have to do?

10 A. Under SB 14?

11 Q. Yes.

12 A. I'd have to go back and look at the  
13 legislation.

14 Q. Okay. But nonetheless, they don't have to pay  
15 for the issuance of an identification in order to vote?

16 A. That is correct.

17 Q. Do you know, as you're sitting here, any  
18 statistical data about the different forms of  
19 identification that appear on Senate Bill 14, as to  
20 which forms of ID racial minorities are more or less  
21 likely to have?

22 A. No. We asked for that data in committee over  
23 the years, and I believe the Secretary of State's Office  
24 was unable to provide it, and DPS was unable to provide  
25 it, because I don't think they -- they were unable to



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1 match the voter registration rolls with the ID, those  
2 who held ID. I think I carried the amendment that asked  
3 that we have the Secretary of State study this issue  
4 before we implemented the legislation. I don't know,  
5 sitting here, and I don't think the legislators knew at  
6 the time.

7 Q. Now, this is something that you have been --  
8 you've been against photo identification in '07 -- in  
9 '05, actually, in '05, '07, '09, and '11, correct?

10 A. Yeah. I've been against those bills as filed  
11 and amended.

12 Q. What studies have you commissioned in order to  
13 assess that?

14 A. None.

15 Q. Do you know, as you're sitting here, the number  
16 of individuals that will be -- that can potentially be  
17 impacted by Senate Bill 14?

18 A. I do not. I do not know that.

19 Q. Is it a fair statement that if I were to ask  
20 you what those numbers were, that it would be pure  
21 supposition on your part?

22 A. That is correct.

23 Q. You agree, Representative Anchia, don't you,  
24 that representatives of the House have a duty to  
25 represent their constituents?

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1 A. Yes.

2 Q. And do you try to do that?

3 A. Yes.

4 Q. Okay. There is nothing wrong with a  
5 representative voting for policies favored by his or her  
6 constituents, correct?

7 A. No.

8 Q. Is it politically rational for an elected  
9 official to vote for policies favored by his or her  
10 constituents?

11 A. Yes.

12 Q. Do you have any basis to dispute that voter  
13 identification is supported by a majority of voters in  
14 the state of Texas?

15 A. No.

16 Q. Do you have any personal knowledge of a single  
17 Texas registered voter who does not possess a form of ID  
18 that will permit him or her to vote if SB 14 is  
19 enforced?

20 A. If you could read that to me one more time.

21 Q. Do you have any personal knowledge of a single  
22 Texas registered voter who does not possess a form of ID  
23 that will permit him or her to vote if SB 14 is  
24 enforced?

25 A. No.

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1 Q. Do you have a driver's license?

2 A. Yes.

3 Q. A passport?

4 A. Yes.

5 Q. Okay. Do those in your home have a driver's  
6 license that live with you?

7 A. No.

8 Q. Okay. Do they have passports?

9 A. Yes.

10 Q. Are you registered to vote?

11 A. Yes.

12 MR. SWEETEN: Let me take a five-minute  
13 break.

14 (Recess from 5:01 p.m. to 5:04 p.m.)

15 Q. (By Mr. Sweeten) Representative Anchia, we're  
16 back on the record.

17 Now, I've asked you a number of questions  
18 today. Have we communicated today? You think that  
19 you've understood my questions?

20 A. Yes, sir.

21 Q. Have I been polite to you during this  
22 examination?

23 A. Extremely.

24 Q. Okay.

25 MR. SWEETEN: At this time, I have no

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1 further questions for the witness, and I'll pass. I  
2 will reserve questions the time of trial.

3 THE WITNESS: Thank you.

4 MR. GARZA: I reserve questions until time  
5 of trial.

#### EXAMINATION

6 BY MS. MARANZANO:

7 Q. My name is Jennifer Maranzano. I'm  
8 representing Defendant Attorney General Eric Holder in  
9 this matter. I just have a couple of questions for you.

10 You testified earlier that you believed

11 SB 14 was passed with discriminatory intent; is that  
12 right?

13 A. Yes.

14 Q. And you said earlier that this was your  
15 subjective interpretation; is that correct?

16 A. Yes.

17 Q. Are you basing this interpretation of the  
18 legislative intent of SB 14, in part, on your years of  
19 experience in the legislature?

20 MR. SWEETEN: Objection, leading. Go  
21 ahead.

22 A. Yes.

23 Q. (By Ms. Maranzano) Are you basing this  
24 interpretation also in part on your years of service in  
25



<p style="text-align: center;">141</p> <p>1 the Elections Committee?</p> <p>2 MR. SWEETEN: Same objection.</p> <p>3 A. Yes.</p> <p>4 Q. (By Ms. Maranzano) And are you also basing your</p> <p>5 interpretation, in part, on your years of working with</p> <p>6 some of the very same legislators who supported SB 14?</p> <p>7 MR. SWEETEN: Objection, leading.</p> <p>8 A. Yes.</p> <p>9 MR. MARANZANO: I have nothing further.</p> <p>10 FURTHER EXAMINATION</p> <p>11 BY MR. SWEETEN:</p> <p>12 Q. Have we discussed here today the basis for your</p> <p>13 opinion that Senate Bill 14 has a discriminatory purpose</p> <p>14 in full?</p> <p>15 A. Yes.</p> <p>16 Q. Have we discussed here today your basis for</p> <p>17 claiming that Senate Bill 14 has a discriminatory</p> <p>18 impact?</p> <p>19 A. Yes.</p> <p>20 MR. SWEETEN: Okay. Nothing further.</p> <p>21 MR. GARZA: We'll continue to reserve</p> <p>22 questions until time of trial.</p> <p>23 MR. SWEETEN: All right. Thank you very</p> <p>24 much.</p> <p>25 THE WITNESS: Appreciate you.</p>	<p style="text-align: center;">143</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 RE: TEXAS VS. HOLDER, ET AL</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 I, REPRESENTATIVE RAFAEL ANCHIA, have read the</p> <p>21 foregoing deposition and hereby affix my signature that</p> <p>22 same is true and correct, except as noted above.</p> <p>23 _____</p> <p>24 _____</p> <p>25 REPRESENTATIVE RAFAEL ANCHIA</p>
<p style="text-align: center;">142</p> <p>1 (Signature reserved.)</p> <p>2 (Deposition concluded at 5:07 p.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">144</p> <p>1 THE STATE OF _____)</p> <p>2 COUNTY OF _____)</p> <p>3</p> <p>4 Before me, _____, on this day</p> <p>5 personally appeared REPRESENTATIVE RAFAEL ANCHIA, known</p> <p>6 to me (or proved to me under oath or</p> <p>7 through _____ (description of identity</p> <p>8 card or other document) to be the person whose name is</p> <p>9 subscribed to the foregoing instrument and acknowledged</p> <p>10 to me that they executed the same for the purposes and</p> <p>11 consideration therein expressed.</p> <p>12 Given under my hand and seal of office</p> <p>13 this _____ day of _____, 2012.</p> <p>14</p> <p>15</p> <p>16 _____</p> <p>17 NOTARY PUBLIC IN AND FOR</p> <p>18 THE STATE OF _____</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

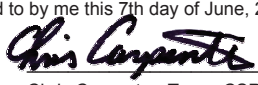


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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF COLUMBIA

3 STATE OF TEXAS, )  
4 Plaintiff, )  
5 VS. )  
6 ERIC H. HOLDER, JR. in his )  
7 official capacity as Attorney )  
8 General of the United States, )  
9 Defendant, )  
10 ERIC KENNIE, et al, )  
11 Defendant-Intervenors, )  
12 TEXAS STATE CONFERENCE OF ) CASE NO. 1:12-CV-00128  
13 NAACP BRANCHES, ) (RMC-DST-RLW)  
14 ) Three-Judge Court  
15 Defendant-Intervenors, )  
16 TEXAS LEAGUE OF YOUNG VOTERS )  
17 EDUCATION FUND, et al, )  
18 Defendant-Intervenors, )  
19 TEXAS LEGISLATIVE BLACK )  
20 CAUCUS, et al, )  
21 Defendant-Intervenors, )  
22 VICTORIA RODRIGUEZ, et al., )  
23 Defendant-Intervenors. )  
24 REPORTER'S CERTIFICATION  
25 DEPOSITION OF REPRESENTATIVE RAFAEL ANCHIA  
JUNE 6, 2012  
I, Chris Carpenter, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:  
That the witness, REPRESENTATIVE RAFAEL ANCHIA, was

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1 duly sworn by the officer and that the transcript of the  
2 oral deposition is a true record of the testimony given  
3 by the witness;  
4 That the deposition transcript was submitted on the  
5 \_\_\_\_\_ day of \_\_\_\_\_, 2012, to the witness or to the  
6 attorney for the witness for examination, signature and  
7 return to \_\_\_\_\_, by  
8 \_\_\_\_\_, 2012; and if returned, the original  
9 transcript will forwarded to Patrick Sweeten, the  
10 custodial attorney;  
11 That the amount of time used by each party at the  
12 deposition is as follows:  
13 Mr. Sweeten: 2 hours, 55 minutes  
14 Ms. Maranzano: 1 minute  
15 I further certify that I am neither counsel for,  
16 related to, nor employed by any of the parties or  
17 attorneys in the action in which this proceeding was  
18 taken, and further that I am not financially or  
19 otherwise interested in the outcome of the action.  
20 Certified to by me this 7th day of June, 2012  
21   
22 Chris Carpenter, Texas CSR 115  
23 Expiration Date: 12/31/2012  
24 100 Congress Avenue, Suite 2000  
25 Austin, TX 78701  
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